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Vaughan, James.

Westlake, John, *Foreign Secretary.*
Williams, A. J.

LOCAL OFFICERS OF THE SHEFFIELD MEETING.

Chairman of the Local Executive Committee.

THE MAYOR, THOMAS JESSOP, Esq.

Local Secretaries.

Rev. JOHN LETTIS SHORT.
Dr. J. H. AVELING.
Mr. Alderman GEORGE L. SAUNDERS.

Treasurer.

THE MAYOR, THOMAS JESSOP, Esq.

Local Secretaries of Departments.

I. WILLIAM FRETSON, Esq. H. W. IBBOTSON, Esq.
II. ROBERT WATERHOUSE, Esq. Rev. J. LETTIS SHORT.
III. MICHAEL HUNTER, Esq. SAML. PLIMSOLL, Esq. R. E. LEADER, Esq., B.A.
IV. J. D. LEADER, Esq. Dr. ALLAN.

LOCAL EXECUTIVE COMMITTEE.

Mr. Alderman John Brown.
Mr. Alderman William Fisher.
Mr. Alderman Robert Jackson.
Samuel Mitchell, Esq.
Joseph Hallam, Esq.
Thomas Dunn, Esq.
Dr. J. H. Aveling.
Stirling Howard, Esq.
Robert Thomas Eadon, Esq.
Alexander Robertson, Esq.

LOCAL GENERAL COMMITTEE.

Charles Atkinson, Esq.
George Hounsfield, Esq., J.P.
R. N. Philipps, Esq., J.P.
Edward Vickers, Esq., J.P.
F. T. Mappin, Esq.
Mark Firth, Esq.
Mr. Alderman Henry Vickers.
Mr. Alderman George Beardshaw.
Mr. Alderman John Webster.
Rev. Canon Sale, D.D.
M. J. Ellison, Esq.
N. Creswick, Esq.
S. Roberts, Esq.
R. J. Gainsford, Esq.
W. H. Baker, Esq.
John C. Hall, Esq., M.D.
Wilson Overend, Esq., D.L. and J.P.
Edward Smith, Esq.
J. P. Burbeary, Esq.
W. Watson, Esq.
H. C. Sorby, Esq.
Rev. Canon Fisher.
M. M. de Bartolomo, Esq., M.D.
B. Wake, Esq.
H. J. Barber, Esq.
D. Doncaster, Esq.
W. Robinson, Esq.
Rev. S. Earnshaw.
John Daniel Leader, Esq.
Samuel Plimsoll, Esq.
Marcus Smith, Esq.
Rev. J. Lettis Short.
Robert Leader, Esq.
Henry D. Lomas, Esq.
John J. Pratt, Esq.
W. H. Ibbotson, Esq.
John Yeomans, Esq.
Robert Eadon Leader, Esq.
W. F. Dixon, jun., Esq.
George Abbott, Esq.
William C. Leng, Esq.
William Smith, Esq.
Rev. J. Aldous.
Edwin Round, Esq.
Rev. J. H. James.
Rev. G. B. Atkinson.
W. Fretson, Esq.
Rev. J. Wilkinson.

SOCIETIES IN CONNEXION WITH THE ASSOCIATION.

SOCIETY FOR PROMOTING THE EMPLOYMENT OF WOMEN.

President.

THE RIGHT HON. THE EARL OF SHAFTESBURY, K.G.

Secretary—Miss KING.

Office—19, LANGHAM PLACE, W.

LADIES' SANITARY ASSOCIATION.

Hon. Secretaries—Lady BURRELL; Mrs. OSBORNE STOCK.

Office—14A, PRINCES STREET, CAVENDISH SQUARE, W.

BRADFORD BRANCH ASSOCIATION.

EDINBURGH BRANCH ASSOCIATION.

Secretaries—SIMON S. LAURIE, Esq.; Professor JOHN WILSON.

ABERDEEN LOCAL ASSOCIATION.

Secretary—ALEXANDER SIMPSON, Esq.

CONSTANTINOPLE LOCAL ASSOCIATION.

LIVERPOOL LOCAL ASSOCIATION.

Secretary—W. Y. TOWNSHOW, Esq.

FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Bruxelles.

Marquis D'Avila, Ministre d'Etat de S.M. Très Fidèle, Lisbon.

Monsieur P. A. Berryer, Paris.

Monsieur Michel Chevalier, Avenue de l'Impératrice, No. 27, Paris.

Monsieur Le Comte Auguste Ciezkowski, Wierzenica, Grand-Duché de Posen.

Monsieur De Metz, Rue de Londres, No. 13, Paris.

Monsieur Ed. Ducpétiaux, Inspecteur-Général des Prisons et Etablissements de Bienfaisance, Rue des Arts, No. 22, Bruxelles.

David Dudley Field, Esq., New York.

Monsieur Le Dr. C. Helm, 805, Seilerstätte, Wien, Austria.

Baron Von Holtzendorf, Berlin.

Dr. Edward Jarvis, Dorchester, Massachusetts, U.S.

Professeur Katchenowsky, Université de Kharkow, Russia.

Hon. Wm. Beach Lawrence, Ochre Point, Newport, Rhode Island.

Professeur Mittermaier, Privy Councillor, Heidelberg.

Monsieur Le Dr. Neumann, Köpnicker Strasse, No. 110a, Berlin.

Monsieur F. Le Play, Conseiller d'Etat, &c., Rue St. Dominique, No. 17, Paris.

Monsieur Schubarth, Stuttgart, Wurtemberg.

Monsieur Le Dr. Schubert, Königsberg.

Monsieur W. H. Suringar, Président de Mettray, Amsterdam.

Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.

Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.

Monsieur A. Visschers, Conseiller au Conseil des Mines, Rue Royale, No. 106, Bruxelles.

HONORARY MEMBER.

George Peabody, London and New York.

THE LAWS OF THE ASSOCIATION,

PASSED AT A SPECIAL GENERAL MEETING OF MEMBERS, MAY 10TH, 1864.

Object and Organisation.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a General Secretary, a Treasurer or Treasurers, a Foreign Secretary, and Secretaries of

Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee subject to the directions of the Council.

XI. The Council consists of the following persons :—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President, or President of a Department, or who has filled for two years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, no exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may, from time to time, be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

XII. The Executive Committee consists of the General Secretary, the Treasurers, the Foreign Secretary, one Secretary from each Department, nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the Office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of members, on fourteen days' notice, for such purpose and at such time and place as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the rights of attending and voting at the Annual Meeting, the Business Meeting of Members and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions.*

XX. Any Ordinary Member whose name has been submitted for that purpose to and approved by the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII. of receiving all publications issued in connection with such Meetings, and of the using the Library at the Office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held under Law XIV.

The Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power of appointing Subcommittees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Subcommittee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Subcommittee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Subcommittees three Members form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion of which previous notice has not been given is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Council, are appointed, on motion, by show of hands, to audit the accounts for the ensuing year.

XXXII. The accounts of the Association are made up to the end of July in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

REGULATIONS FOR BRANCH AND LOCAL ASSOCIATIONS.

The Association recognises two classes of Provincial Associations.

I. *Branch Associations*, of which the conditions are—

Their members to be members of the General Association, and to subscribe £1 1*s*. annually, or £10 10*s*. as a life payment.

All the subscriptions to be paid to the Central Office, but a part to be allowed by the Council towards the expenses of the Branch, in addition to any special grants that may be made.

The Branch Association to elect its own President, Secretary, and other Officers.

The Branch Association to elect annually not more than two members of the General Council.

II. *Local Associations*, of which the conditions are—

That the Local Association shall regulate the amount of its own subscriptions, but that every member on whose behalf 10*s*. shall be paid yearly into the general funds of the Association shall have the privilege at his option—

1. Of a copy of the *Transactions*.

2. Of attending the annual meeting of the Association, and of procuring a copy of the *Transactions* at a reduced price, to be annually fixed by the Council.

INCOME AND EXPENDITURE ACCOUNT, 1864-5.

For the year ending 31st July, 1865.

EXPENDITURE.

1865.		£	s.	d.
July 3.	To Publishing *Transactions* of 1863 (balance)	173	0	3
	Editing and Publishing *Transactions* of 1864, (on account)	605	0	0
	Law Amendment Society, further on account for purchase of Library and Furniture...	84	1	11
	Rent	179	3	0
	Salaries	289	9	0
	Wages	81	6	0
	Office Expenses...	103	1	0
	Library	65	15	6
	Printing Balance for 1863-4	74	6	0
	Ditto (General)...	58	1	0
	Ditto (Sessional Papers)	10	14	0
	Ditto (Supplementary)	4	13	0
	Stationery	27	17	0
	Transactions, Delivering	33	3	7
	Advertising	29	19	3
	Postage	60	9	11
	Collecting Commission	44	19	0
	Travelling Expenses	61	19	6
	Grant to Committee on Elections	1	5	0
	Incidental Expenses	2	18	6
	Removal of Offices	50	10	7
	Interest	7	10	0
	Reporting Proceedings of York Meeting ...	53	19	4
	Balance at London and Westminster Bank ... £51 13 11			
	,, Ransom & Co. ... 10 10 0			
	,, Petty Cash 2 10 2	64	14	1
		£2,167	16	5

INCOME.

1864.			£	s.	d
July 29.	By Balance at London and Westminster Bank ... 316 8 10				
	Ransom & Co. 47 17 7		364	6	5
1865.					
	Subscriptions received in Office and at Bankers		1,096	15	0
	York Meeting, remittance from Local Treasurer...		612	2	0
	Transactions, &c., sold		63	3	0
	Sale of Tickets for the Annual Dinner ...		31	10	0
			£2,167	16	5

Audited and found correct.

5th July, 1865.

SEYMOUR TEULON.

INTRODUCTION.

THE Ninth Annual Meeting of the Association was opened at Sheffield on the afternoon of October 4, 1865, by a special service in the parish church, at which the sermon was preached by the vicar, the Rev. Canon Sale, D.D. The usual meeting of members and associates was held in the evening in the Alexandra Music Hall, and the President, Lord Brougham, delivered the address. A vote of thanks to his lordship was moved by Earl Fitzwilliam, K.G., Lord-Lieutenant of the Riding, was seconded by the Mayor, Mr. Thomas Jessop, and was supported by Mr. Hadfield, M.P. for the borough.

On the evening of the 5th a large meeting of working men was held in the same hall, and addressed by Lord Brougham and other leading members of the Association. A vote of thanks to the President was moved and seconded by two of the artisans present, Mr. John Wilson and Mr. Henry Turner.

The business of Departments was carried on from the 5th to the 10th, and the addresses of the Presidents were delivered as usual on successive mornings to an aggregate meeting of the members and associates. The Dean of Chichester had been announced as the President of the Education Department, but was at the last moment prevented by illness from attending, and thereupon resigned his office. Mr. Thomas Chambers, M.P., was elected by the Council to the vacant chair, and having promptly accepted the responsibility, delivered an

extemporaneous address. The written address prepared by the Dean of Chichester, was also read to the meeting, and both have been printed in this volume.

On the evening of Friday the 6th, a *soirèe,* open to members and associates, was held in the Cutlers' Hall; on the following Tuesday, Lord Brougham and upwards of one hundred of the members were entertained at a banquet in the same hall, by the Mayor of Sheffield, whose hospitality and kindness, not only on this occasion but throughout the meeting, will be gratefully remembered by the Association.

The concluding meeting was held on Wednesday the 11th, when a Report from the Council was read by the General Secretary, and the Reports of the several Departments were brought up by their Secretaries. The former, with the omission of a few sentences, was as follows:—

"In presenting their report of the Ninth Annual Meeting of the Association, the Council have to congratulate the members and associates on the value and interest of the proceedings which have now terminated. The special questions chosen by the Standing Committees of the Departments, with the advice and assistance of the Local Committees, have been most successfully discussed, especially those which were chosen with reference to local interests and the special information to be obtained in Sheffield, such as the question on the further regulation of the labour of children for the promotion of education, and that on the unnecessary exposure of workmen to dangers of life and health in collieries, mines, and manufactures. The value of such discussions as these can hardly be over-rated, and the Council hope that their practical results may be apparent in due time.

"The number of members, associates, and ladies attending the meetings have been about 1,000.

"The Council desire to record their sense of the hospitable reception accorded to the Association in Sheffield, and to express their sincere thanks to the following public bodies and individuals for the services they have rendered to the Meeting:—

"To his worship the Mayor for the munificent hospitality he has shown to the members of the Association.

"To the Mayor and Corporation for the use of the Council Hall and other public buildings.

"To the Worshipful Company of Cutlers for the use of the Cutlers' Hall.

"To the Rev. Canon Sale, D.D., for the special service and the sermon he preached on the occasion, and for the use of the Church Institute.

"To the Council of the School of Art and the Committee of the Free Library for the use of the School of Art and the Mechanics' Institute.

"To the noblemen who threw open their seats and grounds, and to the gentlemen who have allowed their works to be visited by the members.

"The Council, having received invitations from the cities of Belfast,

Bristol, and Manchester, for the next Annual Meeting of the Association, have accepted the invitation from Manchester, and at the same time express a hope that the two other towns may be visited by the Association in the following years."

The Local Treasurer has sent to the Council the total produce of the sale of guinea and ten shilling tickets at the meeting, amounting to the sum of £589 8*s.* 6*d.*, and a cordial vote of thanks to the Local Officers and Committees for their zealous exertions was thereupon passed by the Council.

Since the publication of the last volume of *Transactions* the Council have received communications from Boston, United States, and Madrid, announcing the establishment in those cities respectively, of an American Association for the Promotion of Social Science, and of a Spanish Association for the same object. These societies are founded on the same plan, and with the same objects as our own, and are a gratifying proof of the growing cultivation of our science. The International Association which originated at our London Meeting in 1862, continues to flourish on the continent.

During the Parliamentary Session of 1865, a Bill was introduced to improve the law of partnership by enabling loans of money to a trader on condition of receiving a part of the profits, without attaching to the lender the liabilities of a partnership. This measure had for many years been advocated by the Law Amendment Society, and it seemed to the Council to be well calculated to promote the more intimate union of labour and capital, as well as to further the extension of trade. They, therefore, presented to the House of Lords the following petition in favour of the Bill, which was subsequently enacted as the 28 & 29 Vict., c. 86.

"*To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled, the Petition of the Council of the National Association for the Promotion of Social Science, with which is united the Society for the Amendment of the Law.*

"Humbly sheweth,

"That this Council have witnessed with much pleasure the introduction

into your Right Honourable House of a Bill entitled, 'A Bill to amend the Law of Partnership.'

"That this Council are of opinion that the improvements already made in the law of partnership by establishing, in the case of Joint Stock Companies, when so desired, the system of limited liability, in accordance with the great principle of allowing parties to settle their own terms of Association, provided only that nothing be done to mislead the public, have been attended with great benefit.

"That this Council anticipate additional and special benefits from the adoption of the Bill now before your Right Honourable House; since its provisions will not only afford to traders new facilities for obtaining capital, and to persons possessed of capital, new means of employing it profitably, but will strongly tend to remove the broad line of demarcation now existing, in this country, between employers and the employed, by allowing the latter, without legal risk to either party, to be paid, in part, by a share in their employers' profit; an arrangement which, if brought into general use, would, this Council confidently believes, soon lead to the discontinuance of the frequent and disastrous interruptions to industry caused by 'strikes' and 'lock-outs,' which, the Council are assured, are of comparatively rare occurrence in other countries, where, by a different law of partnership, the association of capital with skill and labour is more easy and common than in England.

"And your Petitioners will ever pray, &c."

On the 17th of August last, a conference of medical officers of health, members of the Health Committee of the Association, parochial clergy, and others was held at the office of the Association under the presidency of the Bishop of London, to consider what steps should be taken in view of the threatened epidemic of cholera. Resolutions were passed at the meeting,*

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* The Resolutions were as follows:—

"I. That the outbreak of cholera in Constantinople, in Egypt, in Malta, in Italy, in Spain, and in Marseilles, and the occurrence of scattered cases of cholera in the metropolis, and also the outbreak in this country of an extraordinary epidemic in cattle, which has often been the precursor of extraordinary epidemic attacks in human beings, must be taken as portending an extraordinary epidemic visitation on the people of this country, which should be guarded against by all means available from voluntary exertion, as well as from the exercise of Governmental and local authority."

"II. That having regard to the known character of the threatened epidemic visitation, and to the course of the previous extraordinary epidemics, it is probable that the great severity of the visitation will be upon the same places, upon the same classes that are now most severely scourged by typhus, dysentery, and the various species of foul air diseases, and that all well-directed exertions protective of those classes from the extraordinary epidemic, should the threatened attack be spared, will nevertheless be preventive of the so-called zymotic or fermentary diseases which are never absent from the districts chiefly inhabited by the poor, to which nearly 20 per cent. of the ordinary death rates are due, and an annual sacrifice of approaching to a hundred thousand lives is occasioned."

"III. That in order to disseminate instruction for the guidance of the voluntary exertion which may be needed or serviceable to aid or to supplement the action of the central or local authorities and to sustain the general public interests in

and were referred to the Standing Committee on Health, who were of opinion that the best way of giving effect to the same would be to form a Special Committee consisting of their own body, with the addition of delegates from other public bodies. This Special Committee prepared, after much consideration, the following resolutions, suggesting the inquiries which, in their opinion, should be instituted, and the practical measures which might be carried out by voluntary exertion to avert or mitigate the visitation of any epidemic disease. These propositions, it was stated by the Committee, were intended to be supplementary only to the efforts of the Medical Department of the Privy Council, and the functions of the Medical Officers of Health.

"I.—That the number of deaths by miasmatic disease,* of which a large proportion is preventible, amounted in 1863, according to the Report of the Registrar-General, to 114,538 for all England; and that such amount of disease, especially under a threatened invasion of cholera, and apart from it, demands the most serious public attention.

"II.—That it is of great importance, for the economical and efficient direction of public effort, to ascertain and make known, as early and as clearly as practicable, among what classes, under what conditions, and from what causes—whether of overcrowding, of defective water supply, want of proper ventilation, or otherwise—these diseases are developed and perpetuated.

"III.—That with this end in view, statistics should be obtained as to the death rates, and the proportions of deaths, from diseases of the miasmatic class, in improved model or other dwellings, in improved common lodging-houses, and in well managed public institutions—such as district institutions on the half-time system, schools for the reception of destitute children, and well-managed prisons; distinguishing the diseases arising therein from those introduced.

"IV.—That the chief seats of miasmatic disease should be early ascer-

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the prevention of excessive disease and premature mortality, this Conference recommends that the active co-operation of the parochial clergy, of the members of the Association of Medical Officers of Health of the Metropolis, of the members of the Epidemiological Society, of the members of the Society of Arts (who have especially devoted themselves to the improvement of the dwellings of the labouring classes), of the working men's clubs, and other voluntary associations, be invited to make united effort through a joint Executive Committee, and that the Health Department of the Association for the Promotion of Social Science be respectfully invited to carry this resolution into effect."

* The class of diseases coming under the term of "miasmatic" are cholera, diarrhœa, dysentery, small-pox, measles, scarlatina, diphtheria, quinsy, croup, whooping cough, typhus, erysipelas, metria, carbuncle, influenza, ague, remittent fever, rheumatism, &c.

tained and designated in lists, and marked on maps for the direction of inquirers.

"V.—That as the worst places are known to the Union Medical Officers and the Union Relieving Officers, it is to the Boards of Guardians of the Poor Law Unions and their officials that the public must look for the earliest information to other bodies charged with the care of the public health, as to the first cases of the diseases referred to.

'NOTE.—Whereas the authority of municipal corporations is often limited to portions of towns, all civic and rural populations are under the jurisdiction of Boards of Guardians, who, being themselves responsible to the Central Board and to Parliament, are charged with the relief of destitution occasioned by sickness and premature mortality, and with the supervision of the Union Infirmaries and of the Medical and Relieving Officers.'

"VI.—That the attention of the President of the Poor Law Board be called to Resolution I.; and that he be requested early to direct the attention of Boards of Guardians to the rates of mortality in excess of known standards afforded in the same counties, as shown by the Supplement to the 25th Annual Report of the Registrar-General. That he be also requested to direct the guardians particularly to inquire into and ascertain by their officers the seats of the most rife miasmatic diseases, and to publish them without delay for the information of the ratepayers and others, and that the local authorities should be especially reminded of this fact—that local registrars have in their books records of the places and houses actually visited by cholera, typhus, &c., in previous epidemics.

"VII.—That it be submitted to the President of the Poor Law Board, that inasmuch as the proposed course of action, by averting or lessening the mortality from miasmatic diseases, will prevent claims for relief on account of widowhood, orphanage, and premature disability, the necessary incidental expenses may be fairly charged on the poor's rates throughout the country.

"The following are recommended to Poor Law Guardians and other authorities, as the best means of carrying out the foregoing resolutions :—

"(*a*).—Poor Law Inspectors should induce the medical and relieving officers to mark on maps of their districts the places they had occasion to visit for diseases of the miasmatic class.

"(*b*).—Union clerks, as superintendent registrars, or the other officers acting as such, should mark on the same maps the places from whence deaths from diseases of the miasmatic class have been registered.

"(*c*).—The seats of diseases of the miasmatic class should be marked with red ink; and of deaths, with crosses in black ink; and the places where cases of cholera have occurred, should be marked with blue ink.

"(*d*).—The medical and relieving officers should be requested to make notes and observations on the conditions of the places affected by miasmatic diseases, and the classes of persons who suffer most from them.

"(*e*).—The courts, alleys, and other places which are undrained, or badly drained, and which have no proper water-closets or self-cleansing house drains or sewers, and no proper pavement, should be marked on the proposed district map.

"(*f*).—The police having constantly to traverse all districts, and being well acquainted with those which are physically in the worst conditions, the heads of police should be requested to aid the local inquiries, by directing each policeman to make out descriptive lists of the places characterised by foul smells, by common nuisances, and by overcrowded and badly constructed tenements; and that weekly tenements, and the like places, where over-

crowding exists in connection with disease, should be distinctly marked in the district maps.

"(*g*).—The marks on district maps should be transferred to general maps.

"(*h*).—In the metropolis and in other towns, where ordnance surveys have been made, copies of the ordnance maps on the largest scale be used, and, in other cases, tracing of town surveys.

"(*i*).—In aid of such maps, the chief seats of the miasmatic diseases should be accompanied by lists, with observations by the registrars or other union officers, and a statement of the density of the population.

"(*k*).—That maps and lists constructed and marked in the manner recommended should be published without delay for the use of all concerned in sanitary inspection.

"VIII.—That it is desirable that local associations should be formed to visit the places pointed out in the maps and lists, and to organise a system of voluntary house to house visitation, to ascertain the conditions which require removal or mitigation.

> NOTE.—The following are among the effects which may be reasonably expected from the proposed local associations and examinations, viz., more accurate information as to the extent and nature of defects of the sources of water-supply of many districts, of such injurious defects as sewer-tainted wells, water kept in uncovered butts and tanks over privies or dung-heaps, and defects in the ordinary qualities, quantities, and methods of the distribution of the water supplied—as means of house and street cleansing, as well for personal cleansing, for clothes washing—especially for the poorest classes—as also defects of sinks, drains, and means for removing foul or waste matter, the extent of existing defects of house and street drainage, the extent of cesspools and of house drains, and of sewers of decomposing deposit, which are only extended cesspools.

"IX.—That special local inquiries be directed to the state of the existing provision for receiving and treating cholera cases in union-houses, hospitals, houses of refuge, &c., and as to the means provided for the immediate removal not only of the dead, but of the sick, from rooms which are at once the living and sleeping rooms of the poorest classes, to places specially provided for the purpose.

"X.—That a special fund be raised to defray the expenses of the Committee in printing, correspondence, obtaining and distributing returns, and otherwise, and that a subscription be invited for this purpose."

The above resolutions were presented to the president of the Poor Law Board by a deputation on the 20th of November last, and were also extensively distributed among various public bodies. A Metropolitan Sanitary Association has since been formed, which meets at the office of our Society, and is actively engaged in practical efforts for the improvement of the health of London.

The Council resolved, on the 30th of November last, that the attention of the Government ought to be called to the expediency of forming a digest of the case law of England, which was so forcibly expounded by Sir James Wilde, in his

address to the Association at York, and has been so frequently advocated by many of our members. The following memorial to Earl Russell was accordingly prepared by a committee appointed for that purpose, and was presented to his lordship, who has informed the General Secretary that the subject is under the consideration of the Government.

"*Memorial to the Right Hon. Earl Russell, K.G., First Lord of Her Majesty's Treasury, &c., &c., &c., from the Council of the National Association for the Promotion of Social Science.*

"THE Council of the National Association for the Promotion of Social Science (with which is united the Law Amendment Society) desire to represent to your lordship the expediency of issuing a Royal Commission, or of taking such other steps as to Her Majesty's Government may seem advisable, for the purpose of framing an authoritative Digest of the Case Law of England.

"That portion of the law is scattered over many thousands of cases, printed in more than 1,200 volumes of Reports, which contain the decisions of the judges for several centuries. A number of these decisions are obsolete; many, in fact from one to two hundred yearly, are impeached or overruled, many are of doubtful authority; many are conflicting; many might be gathered under distinct heads, in a concise form, and be recognised by the Legislature as settled and substantial law.

"To effect this object, it would be necessary to do with the Case Law what has been done and is doing with the Statute Law—to discard what is obsolete or superfluous, to condense and arrange what is effective; in short, first to expurgate, then to consolidate and revise.

"This subject has frequently and for many years past been under the consideration of the Association and the Law Amendment Society, and the Council trust that the time has arrived when Her Majesty's Government may be induced to take some active steps in the matter.

"The considerable progress that has been made in the revision and consolidation of the Statute Law; the work already done by the Commissioners appointed to prepare a code for Her Majesty's Indian possessions; and the remarkable success of the Commission employed by the State of New York, in America, to codify its civil and criminal laws—laws founded on our own, and to a great degree identical with them—suggest that a similar course should be immediately taken to reduce the unmanageable bulk of English Case Law to a clear and concise Digest.

"The need for condensing the Case Law into some moderate compass, and arranging it clearly, increases with the extension of the business of local courts. The County Courts have for some years possessed considerable jurisdiction in common law, and Parliament during the last session has invested them with extensive equitable powers. The judges of these tribunals, sitting for the most part without the assistance of a bar, at a distance from the libraries of the Inns of Court, and having to decide rapidly on the emergencies of the case, cannot be expected to master the intricacies of equity and common law in their present state of dispersion through law reports and text books; and the authoritative promulgation of a Digest would immensely aid them in the administration of that large and increasing

share of the civil justice of the country which has been so beneficially intrusted to their hands.

"Several of the eminent men who have at our annual meetings presided over the Association, or over the Department of Jurisprudence and Amendment of the Law, have dwelt forcibly on the importance of this subject.

"Lord Brougham, in his address to the Association in 1860, says:—

"'All men are now agreed that the only question is, shall there be consolidation or not, parcel of and preliminary to a complete code or digest of the law? In other words, shall the Government of this country perform its high and imperative duty of making the people under its rule acquainted with the laws made to protect their rights, but also the laws to which it requires their obedience, enforcing that obedience by the severest penalties?'

"The Right Hon. Joseph Napier, late Lord Chancellor of Ireland, in his address to our Department of Jurisprudence in 1861, advocated the carrying out of Lord Bacon's 'outline of a great reform; the statute law to be expurgated, classified and consolidated; the common law to be digested and methodised; a standing commission to be set up in aid of current legislation.'

"In 1864 the Right Hon. Sir James Wilde, Judge of the Court of Probate, devoted his address as President of the same Department, to a consideration of the practicability of forming a Digest of the Case Law, and the following sentence, among others, shows his confidence in the work, provided it be adequately undertaken:—

"'I cannot resist the belief that within the bounds of reasonable labour and time, the general principles and broad bases on which our common law reposes, and which tacitly guide the decisions of our courts, might be brought to the surface, grouped together, subordinated in their several relations, and contrasted in their differences. An attempt of the kind, and not without great success, was made by the late Mr. Smith in his Leading Cases. And those who have studied the notes of that book will not fail to perceive how easily and with what success large groups of cases treated and handled together have been made to yield up short and succinct propositions of law. What I desire to see is a similar attempt made with authority and on a much larger scale, to be finally confirmed by Act of Parliament.'

"But the Council would especially quote the words employed by your lordship, when presiding over the Association at Liverpool in 1858, as expressing at once the need for commencing this labour forthwith, and the certainty of its being brought to a successful termination:—

"'No one can doubt that it would be a great public benefit if our laws could be set forth in a clear style, and contained in two, three, or four volumes of moderate compass. . . . If we proceed to consider what has been done in this country we shall find that, from the days of Lord Chancellor Bacon to those of Lord Chancellor Chelmsford, the revision and consolidation of the law have been a consummation devoutly to be wished. Five years ago the enactment of a code was held out to our expectation; each year we were said to be at the beginning of the beginning. Three administrations and four sessions of Parliament have promised, undertaken, and dropped the work. Is it not time that we should set about the task in earnest? I will venture to say that if four or five persons of competent qualifications were appointed as Commissioners, they would in a few months make an actual commencement, and in a few years present to Parliament a complete code worthy of the country, simplifying and improving our laws, on principles fit to be adopted in an enlightened age, and founded on the solid masonry of our ancient legislation. Nor can I doubt that such a work would be sanctioned by Parliament, not, indeed, without debate, but without serious delay.'

"The Council must observe that not five but thirteen years have now elapsed since the project of forming a code was spoken of by the then Lord Chancellor, and that though the work of the revision of the Statute Book has since been ably carried on, nothing has been done towards the formation of a Digest of the Case Law. The same distinguished lawyer, who so long since gave promise of a code, now again holds the Great Seal; your lordship, who so well understands the subject and appreciates its vast importance to the whole community, is the First Minister of the Crown; and the Council trust that the moment is therefore favourable for urging on Her Majesty's Government the expediency of at once taking the necessary steps for commencing the preparation of a Digest. That Digest, like an expurgated and revised Statute Book, would form an important step towards the enactment of a code; but taken by itself it would be invaluable, and it is on its own merits that the subject is now urged on your lordship's consideration.

"BROUGHAM, *President.*

"G. W. HASTINGS, *General Secretary.*"

The loss of life and property from shipwreck having been brought before the Association by Mr. Edwin Chadwick, in his address on economy and trade, the Council prepared the following memorial to the Board of Trade, which was submitted to the President of the Board by a deputation on the 24th of February last.

"*Memorial to the Right Hon. T. Milner Gibson, M.P., President of the Board of Trade, from the Council of the National Association for the Promotion of Social Science.*

"THE Council of the National Association for the Promotion of Social Science having had under their consideration the facts and arguments set forth in the annexed address of the President of the Department of Economy and Trade, which relate to the present condition of our mercantile marine, would submit:—

"That the terrible amount of loss of life and the vast sacrifice of property from shipwreck, and their continued increase, notwithstanding the measures taken for their prevention under the authority of the Board of Trade, and the improved constructions for the preservation of life and for saving vessels from utter loss, constitute a case for careful and solemn inquiry as to the causes of failure of the existing means, and as to what other means appear to be available for efficient prevention.

"But the safety of the subject and of navigation, and the special interests of the large body of mariners, appear to involve another and distinct topic of inquiry; namely, the proper elementary education and training of seamen for safe, good, and intelligent service and conduct.

"It was set forth as an axiom by the late Captain Basil Hall, and it is confirmed in general by other professional testimony, that in nautical affairs nothing is so wasteful as ignorance; while captains and masters of the greatest experience in the mercantile marine declare that they can work a vessel more safely with fewer men, if these are educated, than with a larger crew, if, like the bulk of common seamen, they are uneducated, ignorant, and untrained.

"It is adopted as a principle of legislation in relation to children and young

persons employed in manufactures and trades, that they shall not be employed under conditions which preclude them from the benefits of a proper elementary education; and the working of the legislative provisions on that principle are found to be in the economical interests of the branches of manufacture in which they have been adopted. The conditions of dangerous ignorance and want of forethought in which large proportions of adult seamen are found, are due to the circumstances under which in early childhood or in youth they are taken on shipboard, in the mercantile marine, without any elementary education, and without any of the means of subsequent reparation of the default, such as are provided for the Royal Navy. It appears to be admitted that children ought not to be taken on shipboard before the tenth or eleventh year.

"That the Council therefore pray that a solemn inquiry by competent and impartial officers of the Royal Navy may be directed, under a Special Commission, into the matters alleged in respect of the loss of life and property, with a view to the preparation of such measures of legislation as the evidence may appear to require.

"And also that it be referred to the Children's Employment Commission, who have under examination the conditions for the extension of legislative provisions for securing the education of children employed in manufactures and trades, to inquire and report on the application of provisions on the like principle, for securing the proper elementary training and education of young children engaged in the mercantile marine."

Two resolutions passed by the Education Department at Sheffield, the one relating to the class of destitute and neglected children, the other to the extension of the Factory Acts, have been considered by the Council. The latter was referred to a joint committee of the Education and Health Departments, and it is hoped that a report on this important question may be presented at the next annual meeting.

With regard to the former it was determined to press for inquiry by the Government either through a royal commission or a select committee of the House of Commons, and steps have been taken to effect this object.

The subject of improved dwellings for artisans has lately occupied the anxious consideration of the Council, and a Bill has been prepared under their direction which is now in the hands of Mr. Charles Buxton for presentation to the House of Commons. With the details of the measure introduced by Mr. Torrens, and now before a select committee of the House, the Council were unable to concur.

A Bill has also been prepared under the sanction of the Council, and has been introduced into the House by Mr.

Thomas Chambers, for the purpose of removing the doubts that have arisen under the Legitimacy Declaration Act, 1858, as to the right of a suitor in a legitimacy suit to demand a jury on an issue of fact. The original measure having been prepared by the Law Amendment Society, though not passed exactly in the form suggested by that Society, the Council felt bound to obtain, if possible, a removal of the doubt that has so unfortunately arisen.

Since the Sheffield meeting the Association has sustained a heavy loss in the retirement of Miss Isa Craig from the duties which she had fulfilled for nearly nine years to the entire satisfaction of the members, and the signal furtherance of the objects which our body was established to promote.

The Council passed a resolution expressing their gratitude to Miss Craig for her invaluable services, in which they are convinced that they have represented the unanimous feeling of the Association.

On the 8th of March last, the Rev. Walter L. Clay was appointed by the Council Secretary to the Association.

Among the members who have died during the past year, the name of Dr. John Conolly requires a special mention, as he was one of the few original members of the Association, and was zealous in his attendance on the Council so long as his health permitted.

We have also to lament the loss of Mr. James M'Clelland, jun., to whom, as the Local Treasurer, the great success of the Glasgow Meeting was in a considerable measure due; and that of Mr. G. H. Palmer, one of the secretaries of the Jurisprudence Department, to whose activity and zeal the members were much indebted on several important questions.

The Tenth Annual Meeting will be opened at Manchester, on Wednesday, the 3rd of October next.

GEORGE WOODYATT HASTINGS.

Opening Address

BY THE

RIGHT HON. LORD BROUGHAM,

PRESIDENT OF THE ASSOCIATION.

ONCE more I have the satisfaction of meeting my old Yorkshire constituents, and of reflecting on the most prized distinction of my life—the representation of this great county the last time it chose its members undivided and entire. This is now our ninth Congress, and we have, as is our usual lot, to lament the losses which we, the country, and the world at large, have sustained since we met at York. First to be named is Richard Cobden, of whose great services not England only, but France also, has been witness, and felt justly grateful. We may also dwell on the removal of one far less famous, but to whom the promoters of Social Science felt their gratitude especially due as among the greatest helps to the diffusion of knowledge on all subjects, secular and religious—John Cassell, whose circulation of useful works at the lowest price, to which he devoted his life, was prodigious. Of the illustrated Bible above 60,000,000 were sold in weekly numbers, making the poor man's cottage, as he boasted, a school of instruction. But, happily, his surviving partners, Petter and Galpin, pursue the same course in which they were his able and zealous associates. Nor is it possible in this country to forget the heavy loss which at our last Congress we had hoped to escape, but which soon after befell us, of Lord Carlisle, than whom a more virtuous person, or in all his positions one more useful, did not exist. On these losses we may use the touching words in which the Royal Psalmist poured out his sorrow—"We shall go to them, although they shall not return to us." (2 Samuel, xii. 25.)

There is, however, much upon which to congratulate the Association since our last Congress, both on our labours and on the course of events. And as we then expressed satisfaction at the calming down of party spirit, both in Parliament and in the country, we can now still more fully give vent to the same feelings, not only from the stillness in high quarters, but because the general election has taken place, and cer-

tainly has evinced a more entire absence of party and personal animosity than marks our history since the period of the Revolution. By this calm the pursuits that are dear to us are greatly benefited, and are likely further to profit by its continuance. Even where the public tranquillity has been slightly ruffled, the great cause of social progress has made considerable gains. The loss of some valuable members to Parliament, of which the greatest are those of Mr. George Denman and Mr. Adam Black, has been compensated by the election of men only known for their able treatment of philosophical questions, like our colleagues Professor Fawcett and Mr. Stuart Mill, or our distinguished Vice-President of the Jurisprudence Department, Mr. Forsyth, who unites to his forensic talents a foremost place among the most accomplished scholars of the age.

In reckoning our gains at the late elections, it is highly satisfactory to reflect on the considerable diminution of bribery and corruption. Of this there can be little doubt; but still there remained enough to justify all friends of public morals, and indeed of our national character, in desiring more effectual means to be taken for the extinction of practices so disgraceful. Last year the measures which would have proved effectual for this purpose, sending those convicted to the treadmill, and requiring a solemn declaration from every member on taking his seat, that he had no knowledge or suspicion of any such practices having been pursued at his expense, were stopped on the ground that the dissolution had been postponed, and this year, on the eve of an immediate general election, those measures were again withheld, while Sir Fitzroy Kelly's Bill, enabling parties charged with any offence to tender their evidence, undergoing cross-examination, met with such a treatment in the Commons, that he could not press it to a division. It is not to be told what censure falls upon the English people in foreign countries when the enormous sums spent at our elections are mentioned, and that expenditure is truly disgraceful which may still be incurred without any corruption. The cost of returning Mr. Stuart Mill for Westminster exceeded £1,500 for ten days. The expenses of candidates in some cases amounted to £300 or £400 a day, whilst the dissolution was impending, and as much as £17,000 was positively stated to have been paid by a candidate for Yorkshire, some years ago, in preparing for a contest which never took place. Sir F. Kelly's Act, appointing election auditors, had not then passed. It is far from sufficient to prevent all expense, yet if adequately enforced it would have stopped much of the absurd practices which in too many cases are a mere cloak for bribery.

The late elections and the aspect of the returns as regards the Liberal party, lead us naturally to think of the prospect held out of a further extension of the franchise to the working classes. The alarm felt or affected of their overwhelming the rest of the community is probably groundless, although all our friends must desire any change to be effected gradually, and under the guidance of experience. The expediency of giving votes to one class really can admit of no doubt—the class of skilful workmen, who are in fact more independent of their employers than these are of them. Why should not all who receive at any time a certain amount of wages, be registered as voters once and for ever? The certificate of the employer would be a test of the workman's respectability, and that would continue, whatever might be his subsequent employment. The expediency of giving non-voters some share in the elections was considered at York, and there seemed no sufficient objection to allowing the show of hands some weight, by requiring whoever had it not, to exceed those who had it by a certain proportion at the poll. The proposal of Professor Leoni Levi well deserves the attention of those who are still for the ballot—that the votes should be given in writing, signed by the voter in his own hand, so as to secure a certain amount of education. Those who treat of Reform prospects and projects are but imperfectly acquainted with the history of the great Reform of 1832 in its earlier stages, and would find there had been much more extensive changes then, not only contemplated but which met with acceptance. Of the proverbial inaccuracy of contemporary history there is a remarkable instance where it could be least expected, in Lord Russell's late preface to his new edition of the "Essay on the Constitution." The subject is the Reform of 1832, and all mention is suppressed of the great meeting of the Opposition at Lord Althorpe's chambers to consider the plan of which I had given notice, and which was to have been brought forward two days after, had not the change of administration occurred to prevent it. There were present at the meeting many persons either owners of close boroughs or their connections, as Lord Milton, Mr. Baring, afterwards Lord Ashburton; and beside my statement of the most important parts of the reform afterwards propounded by the new ministry, there was household suffrage propounded in express terms, and though only half the seats for close boroughs were to be taken away, yet a larger number of the great towns were to be enfranchised than the Government Bill afterwards provided for.

It must be observed that the late times have shown, even during the heats of the election, no disposition on the

of the people for a reform in their representation. It would be difficult to point out any period since 1832 in which the subject so little engaged the public attention. But that would be no reason against well-considered and moderate changes, and the promoters of Social Science will regard any proposed measure with a view to its effects upon the different classes of the community, and upon the representative part of the legislature, whether that measure is called for by the popular voice or not. To those changes which have been above suggested may possibly be added a new construction of the electoral districts, so as to remove in some degree the extreme irregularity now existing. But this is a matter of great difficulty, and certainly a general equalisation may be pronounced on every account altogether unadvisable.

In referring to reform of Parliament, it is impossible to pass over the great expediency, indeed it may be termed the absolute necessity, of some change in the conduct of what is called Private Business or Bills, those Acts not only affecting property of vast amount, but conferring what Lord Langdale used justly to term transcendental powers. This branch of the proceedings is that by which Parliament is chiefly known to the community, and no doubt considerable improvement has of late years been made in the manner of conducting it. But the greatest of all the evils felt has been left unassailed, the necessity of every one particular in each Bill undergoing the same inquiry in both Houses, so as almost to double the expense of all parties. With that great man, whose irreparable loss we daily deplore on all questions, whether of foreign or of domestic policy, whether of peace or of war (it is superfluous to name the Duke of Wellington), it was my lot to co-operate on this subject, having with him brought forward those standing orders which now regulate the private business before both Houses, and which were introduced in a committee of the Lords. When they were to be propounded there my illustrious friend said, "Why not bring forward our great plan?" My answer was, "Because it would be certainly refused by the committee." "Never mind," he said, "we can but be beaten, and then we fall back upon our lesser and ineffectual plan." The great measure was offered, and refused under the influence of professional men, who saw that it would cut off nearly half of their services. It consisted in the appointment of a joint committee—seven commoners and four peers, acting with the assistance of a professional judge or assessor, to help them on questions of law respecting evidence; and the report to be in each House decisive on all matters of fact, but leaving

to the House its full discretion upon the whole Bill and all its provisions. This is not the first time that the plan has been mentioned before our Association, and in connection with the great man's name who took such an interest in it, and who, indeed, mainly contributed to its preparation. But it is a sacred duty to his memory that so important a portion of his history should be preserved, and continually held up to the admiration of his grateful countrymen. He unfortunately took an erroneous view of reform in the representation, and he maintained his opinion strongly, being deeply impressed with the belief that the proposed change in the constitution of the lower House would dangerously interfere with the executive government, and that it was too large a measure to be adopted at once. His joining, therefore, in so radical an alteration of the legislative procedure was the more important, and is one, though among the least, of the many proofs that he is to be named among the foremost of our statesmen, as he is at the head of all our warriors.

> "Statesman and warrior, he lived and died,
> Where duty placed him, at his country's side;
> Trod with firm foot the line which justice draws,
> Fixed to prevail, or perish in her cause."—Cowper.

Which Cowper must have been inspired to write prophetically, for he died years before the Duke returned from India.

It was highly satisfactory at our last Congress to mark the success of the great co-operative movement in the increase of the number of the societies and their resources. That progress has continued, although not at the rate of former years; and as this diminution has partly arisen from the increased rigour of the rules established, and the arrangements enforced with the view to profit, an advantage has been gained; except, perhaps, that too great parsimony has been shown in the payment of those employed. It was, however, impossible that the same rate of increase should continue which had been exhibited in 1860 and 1861, when no less than 250 new societies had been formed. In 1863 there were in all 454, whose sales in the year amounted to £2,626,000, and their profit divided was £213,000. Mr. Pratt's return for the last year (1864) is 505 societies, their sales £2,742,000, and profit was £225,000. The counties of York and Lancaster continue to take the lead, as in the number of 505, Lancaster has no less than 130, and this county 104. One cannot avoid recollecting the saying of a Rochdale tradesman, when a few workmen advanced a little money to establish a store; he said he should be able to carry it all in his wheelbarrow, and now the assets of the societies are returned at £891,000, and their cash

in the bank and in the hands of their treasurers at £105,000. It must be added that the strong recommendations given at York to employ co-operation in agriculture, and the signal success of Mr. Gurdon's * experiment in Suffolk, have had their effect in Ireland, where, on the Vandaleur property, there is every probability that the same success would have followed but for the unfortunate insolvency of the landlord. As far as it went, nothing could be more satisfactory. Mr. Craig, its able superintendent, states that when the co-operation had been continued some time the greatest improvement had taken place, both in the comfort and moral condition of the inhabitants, although they at first had taken against it hostile proceedings, which they carried even to the length of a breach of the peace. The cause of co-operation in all its branches owes almost everything to Mr. Pitman, whose constant exertions and self-sacrifice cannot be too gratefully acknowledged by all co-operative societies, and their efforts are justly required to aid him in his work, the conduct of the "Co-operator." †

Nothing can be more gratifying in all respects than the spread and success of co-operation, both as regards the comfort and improvement of the people; and if the middle classes have gained much, the working classes have had a larger share in the benefit. The question then naturally occurs, and it was occasionally asked in the course of the general election, are these classes, preponderant for their labours as well as their numbers, to remain for ever excluded from a direct share in the choice of our representatives? And this question has been received by some with indifference, by others with contempt, and by not a few with proposals, the cause of alarm to most persons. But there is one view which does not appear to have been taken by any of the reasoners on the subject, and it is peculiarly addressed to the promoters of Social Science, because it applies to the great cause of progress in all its branches. The working classes generally, and even a large proportion of the middle order are prone to be too earnest and even impatient for the adoption of measures which they deem necessary or expedient. They do not give them due consideration; they do not perceive the checks which experience has shown to be required for securing safety and conformity with other institutions. The lesson is slowly learned—which these classes have never well understood, or only apprehended to make it an object of ridicule or clamour—how much of the best of laws may be the result of compromise or mutual concession, and how often in carrying

* The proceeding in Ireland was several years before Mr. Gurdon's.

† The able work of Dr. Blaikie, of Edinburgh, "Heads and Hands in the World of Labour," contains much useful and valuable matter.

through any measure, the most important and beneficial, such compromise has been not only expedient but necessary; nay, how much the whole of our social system has been a succession of compromises. In considering any of the proposals for extending the Parliamentary suffrage, this circumstance of prevailing importance is to be well weighed, and we of the National Association are fully aware of its great influence over our supporters in the community.

It must ever be kept in mind that the primary object of co-operation is self-help, the enabling the working man to obtain his goods of the best quality and at the lowest price, to gain his fair wages, and to secure his share in the profits arising from his labour. His gains are as far as possible employed in the education of his children and his own improvement. In this he may be assisted by his wealthier neighbours, and in providing for his relaxation and social intercourse during the hours of his rest. The want of room in his house often obliges him to attend a club, and therefore the best assistance that can be rendered him is to facilitate the forming of clubs, which, among other advantages, have the great merit of coming in competition with the alehouse. Accordingly, three years ago, there was formed in connection with our Association the Working Men's Club Institute, and its operations have been very successful in enabling working men all over the country to form clubs. In all cases the object has been the relaxation and social intercourse of the day labourers. Our colleague, Lord Lyttelton, and others have strenuously supported the institute, whose able and diligent secretary, Mr. Solly, attended our York Congress. It must be added that nothing can be more erroneous than the notion prevailing in some quarters that the object of these clubs is for education and other matters of use to the working classes. These may arise out of them, but the main object is to give the labourers that amusement and relaxation which they require after their work. In all my addresses as President of the Institute, what has been dwelt upon is relaxation and amusement as the primary objects. This has been the fundamental doctrine, admitting the necessity of harmless amusement to men after their day's work.

> "These are the swains, who, daily labour done,
> With rural games play down the setting sun."—CRABBE.

It is most satisfactory to find that our colleague, Lord Stanley, has lately inculcated this at the Birkenhead Co-operative Meeting, and it is only to be regretted that he had not attended at York, where the same subject was more than once under

the consideration of the Congress, and a paper read upon the subject by the secretary of the Institute.

In our Congress at York, the subject which had occupied us the year before at Edinburgh, of female education as connected with the University examinations, was resumed, and a most able paper read by Miss Emily Davies. Some difference of opinion was occasioned by the mistake that the proposal concerned degrees for females, whereas it was certain that this could not be the case, the examination conferring no degrees at all, as had been fully stated by Mr. Hastings at a preliminary meeting. But, fortunately, the University of Cambridge received most favourably the memorial signed by above a thousand persons connected with education, as well as many others, including some of the most prominent and active members of our own Association. The memorial was presented towards the end of last year, and the question was referred to a special syndicate, who, after a careful consideration, made a report recommending the proposed extension. In accordance with this, a grace of the Senate was passed, giving effect to the recommendation of the syndicate. The scheme is to continue in force as a tentative measure for three years, at the expiration of which there is every reason to believe that it will be made permanent. In the meantime ladies' committees are arranged for the superintendence of the examinations at several of the local centres, and the promise of candidates is already very considerable. Of the complete success of the movement, it is scarcely possible to entertain a doubt. The direct result of examinations cannot fail to be most beneficial, and the moral value of such a recognition by one of our old universities of the importance of female education is likely to be still more widely and deeply felt.

The success of the new system of education in Ireland is a just subject of congratulation, and the rather because an attempt was made by clerical and other bigotry to represent it as a failure. The principle, at all times strongly urged by our Association, of combined secular and separate religious teaching, has been applied, and the result is given in the papers before Parliament. In the year 1849-50, when the Queen's Colleges were established in Belfast, Cork, and Galway, the number of pupils was 395, and last year they were 837. But in Cork and Galway the increase has been much greater than in Belfast, because there education had begun sooner. Notwithstanding the population of Galway has fallen one-half in the time, the number of pupils has nearly doubled. The number belonging to the Established Church is only one-fourth of the whole in the three colleges. It must be added that

Mr. Whiteside, the representative of Dublin University (Trinity College), with distinguished candour and consummate ability opposed those who argued that the measure had been a failure.

Mention has been made of the great step taken by the Universities of Cambridge and Edinburgh in favour of female education. What has been done by certain benevolent persons belongs rather to the head of charity than education. Yet it is very important. A hall has been set up for poor sempstresses, who may work there instead of in those wretched garrets to which they are generally confined, and the addition of a cooking apparatus is a great improvement. There is no more praiseworthy employment of the funds which charitable individuals allot to that unhappy class of their fellow-citizens, and the suggestion of Mrs. Wynne is very important—that teaching the use of the sewing-machine is greatly wanted for the class of sempstresses. But the greatest benefit rendered to these poor women is from the companies that have been formed by the principal ladies in London for the dressmakers, with limited liability, for homes under strict regulations, and which have succeeded in an extraordinary manner. One of these companies is in Clifford Street, Bond Street, the other in Grosvenor Street, Grosvenor Square, and these divide upon their profits. In Edinburgh, the society for the employment of women is doing great good in extending the resources of their labour. In the branch of photography the success has been perfect.*

The Commission upon schools issued on the recommendation of our Council has not yet made its report, but it has been actively engaged in the important work. It is much to be regretted that Mr. Chadwick was not named among the commissioners, as his acquaintance with the whole subject exceeds that of most men, and he is the founder of that valuable improvement, the half-time plan. The Commissioners have appointed ten assistants, who examine the schools and their method of teaching, in the different districts of this country as well as in America, and on the continent of Europe. In this country circulars of questions have been issued to 843 endowed, and 152 proprietary schools; and witnesses have been fully examined. The commissioners have sat thirty-five days, and are to resume their sittings for further examination of witnesses in November. It is impossible to doubt that a great body of information, both as to this and to other countries, will be collected, and many useful suggestions made. Mr. H. Roby is their able and diligent secretary.

* Mrs. Millar's works, "Voice from the Fireside," and "The Right Thing at the Right Time," are full of interesting matter.

We have great reason to be thankful for the acceptance of one most important plan of law amendment. The Act giving equitable jurisdiction to County Courts had been for many years strongly urged by us. Indeed, that jurisdiction was part of the original Local Courts Bill, and the committee to whom it was referred in 1830, partially approved of that provision. But in 1852 an elaborately prepared Bill was introduced by our Council. This equitable extension had been year after year attempted by us, and is at length carried, at least to a certain extent. The great subject of a Law Digest was handled by Sir James Wilde, in his most admirable address at York, and has been subsequently discussed at our meetings, and an able paper upon it was read by Mr. Reilly. It cannot be said that no progress has been made towards the attainment of this object, for the House of Commons has voted £5,000 to the expense of it, and constant and active work has been bestowed upon the kindred task of selecting for repeal all the statutory provisions which are in fact inoperative, but still continue upon the "Statute Book." It must be added that the work of digesting and consolidating the laws has been undertaken at New York, and is working under the superintendence of our corresponding member, Mr. Dudley Field.

At our last Congress, Mr. G. Denman undertook to bring in a Bill for removing the anomaly in our procedure of counsel not being allowed in criminal the privilege given in civil cases, of summing up the evidence adduced. He did so, and the Act being passed last Session the anomaly no longer exists. The failure of Sir F. Kelly to amend the law of evidence has been mentioned. That amendment, which the Judge Ordinary of the Divorce Court strongly recommended,—the enabling parties to be examined, which had been omitted in my Act of 1849, was part of Sir Fitzroy's Bill. The chief objections to that and to the examination of defendants in criminal cases were the same that had been urged against the greatest amendment of the law in modern times, the examination of parties in civil cases; and it may fairly be expected that those objections will no longer be allowed to prevail. Another important clause in Sir Fitzroy Kelly's Bill provided for the granting of a jury in all cases in which questions of marriage or legitimacy are concerned, and it is to be hoped that the measure will, next Session, pass into law.

One great improvement has, however, taken place in this branch of the law, the natural extension of limited liability at all times strongly supported by us. An Act passed last Session excluding from the responsibility of partnership those who lend money to traders and men who receive payment for

their labour out of the profits to which they have contributed. This is a great benefit, not only to the workman but to his employer, and to traders as well. But much has been done for the working man without any Parliamentary proceedings. The repeated and earnest expressions of opinion by our body to their employers has continued to receive their full consideration, and those whom we extolled at York and Edinburgh for their kindly conduct, and especially the Messrs. Chambers, have been reducing the hours of labour to ten, and this has become a general movement. The early closing, of which Leeds was so great and so early an example, has been more generally followed, and it is very probable that in both these relaxations, the loss in hours of labour will be compensated by the more healthy state of the men and their more diligent working.

The report of the select committee of the House of Commons on the bankrupt law, has been made public during the past Session, and we find that it recommends substantially the adoption of the Scotch plan of trustees chosen by the creditors, and their proceedings referred to the ordinary courts instead of a separate tribunal. That some amendment in this branch of the law is loudly called for by the whole body of traders there can be no manner of doubt, and it may be hoped that the discussion in our Jurisprudence Department will assist the public in arriving at a conclusion as to what the amendment should be. The commission on the Patent Law has also reported since our last Congress, recommending various modifications in the existing system, but admitting that the change would only palliate the evils complained of. Opinions have since been expressed favourable to the repeal of the statute of James I., or the abolition of the rights conferred on inventors. This is a subject of great difficulty. That there are grave objections to the inventor's rights as at present exercised may be true, but his exclusion from the monopoly he now enjoys is extremely hard to be distinguished from that which would deprive authors of their copyright. The concentration of the superior courts and their officers in one place has happily been established after a delay of thirty years, and the exertions of our Association have powerfully contributed to a measure which was so much required by the mercantile community, and not resisted upon any solid grounds by the legal profession.

The commission on capital punishment has now closed its labours, and though the report is not yet made public, there can be no doubt that a great and useful body of information has been collected with respect to the operation of the law

both in this and in foreign countries. We had a most interesting discussion on the subject at York, and did full justice to the labours of the society, under Mr. Gurney, and its secretaries, Messrs. Tallack and Beggs. An able paper of the latter came before us at York; and no doubt that society has been usefully employed in circulating information on the subject, and in promoting the discussion of it. But whatever difference of opinion there may be upon the great question of capital punishment, there can be none upon the necessity of giving the Home Office an efficient help of counsellors, as this Association has so often recommended. On this head of criminal law, it must be added, that there is, in all cases, far too great a disposition to regard intoxication as a circumstance of mitigation, whereas it is really an aggravation. There are even reasons for regarding a diseased general habit of mind, induced by intemperance, in the same light of an aggravation, and certainly it ought never to be reckoned among circumstances of extenuation.

Our esteemed colleague, Lord Clanricarde, having obtained a commission on the Irish Law Courts, found that two Bills were introduced by the Government to assimilate the practice in both countries—the one for equity, the other for common law. These were vehemently opposed, and not pressed. But in last Session only the Equity Bill was introduced, and though the opposition was withdrawn, the Bill was not passed. The Government had at that time no Irish law officers in the House. In the new Parliament, they have both the Attorney and Solicitor-General, and the Castle adviser, in the House of Commons, and Lord Clanricarde hopes that the result will be complete, as well of consolidating the three Common Law Courts, as of reducing the number of their officers, for whom there is really little business to do. The subject of recording titles to landed estates was fully discussed at our meetings, upon papers by Messrs. Torrens and Robert Wilson, and an Act was passed last Session for recording such titles in Ireland through the machinery of the Estates Court.

Nothing can be more satisfactory than the proceedings of last year with respect to the reformatory system, and credit is due to the Home Department, of which we formerly had reason to complain. The great changes which have been effected are entirely in accordance with the views often urged by the Association and its supporters. In the class of penal servitude, the subdivision of large prisons, the introduction of the mark system, the reduction of the excessive gratuities and of the dietary, the use of photography, and the giving police

superintendence (beneficial not only to the public at large, but to the convicts themselves) are great and important improvements; and these, together with the use of intermediate prisons in certain cases, have approached our own system to the Irish. But there has been great improvement in the convict prisons for minor offenders, and an Act passed last Session has been executed most beneficially by the Home Department. All these changes have received the full approbation of the prison directors, whose report has been published, and who bear their testimony to the excellent effects of the various changes on which they comment. It is very important that the absence of Sir Walter Crofton is well supplied by his able successor, and has been so far from injuring his system that this has been consolidated by time, and its details are perfected by experience. The great principle has now received full effect, that the term of punishment should be lessened not merely by the convict's conduct since his imprisonment, but by his subsequent conduct, until the supervision now first actually exercised under the ticket-of-leave, has expired. This suspension of his entire liberation has had all the success that could be expected from it.

The defect which experience shows in the existing regulations for suspension depends upon the absence of connection between the police force at different stations. The improvement in the discipline of county and borough goals urged by Lord Caernarvon and effected by the gratuitous labours of Sir Walter Crofton, will be sufficient for the reformation of the convicts, provided that drawback shall cease which at present exists, the term of confinement not being shortened in those prisons by the convict's behaviour. These and many other matters will, it is to be hoped, receive full consideration at this Congress, as our invaluable colleague, the Recorder of Birmingham, if he shall unfortunately be unable to attend, will certainly communicate the result of his residence in Ireland, and also his opinion upon the working of the Liverpool Act, passed last Session, for enlarging the powers of grand juries in sanitary cases, an Act which ought to be extended to other towns. We shall also have the advantage of the presence of Miss Carpenter, whose recent work, "Our Convicts," contains the fullest account of the whole subject.

The threatenings of another visitation of cholera gave rise to a meeting under the sanction of our council, and presided over by the Bishop of London. The whole subject was fully discussed, and an elaborate report presented by the Committee of the Health Department.

While all has been proceeding satisfactorily in legislation

since our last Congress, it is gratifying to find that considerable progress has also been made by our rulers, and especially our Finance Minister, for the benefit of trade. The negotiations with France have had the happiest results for both countries—for our neighbours as well as ourselves; their alarm lest importations from us would interfere with their manufactures having been proved groundless by the exportation to this country of their own wares. Similar treaties have been made with other countries, as with Belgium and Italy, while one with Austria may reasonably be expected. Our foreign commerce has nearly doubled in five years as regards France, and our paper makers, who were the most alarmed, have not in any instance ceased to carry on the business, while the amount of paper made has been steadily increasing. But the post-office accommodation to savings' banks has been an incalculable benefit to the humbler classes. Above 3,000 of these have been established, the permanent deposits in which are nearly six millions, and almost all in sums under £3. This is exclusive of those in former banks.

While everything has been so prosperous with us, it must also be admitted that, with few exceptions, in foreign countries a like prosperity has existed. In Russia, the emancipation of the serfs has been vigorously enforced. The kingdom of Italy has been recognised by Spain, and it may be hoped that the treaty of September, 1864, will at length satisfy the Court of Rome. The Italian Parliament is dissolved, and a general election takes place immediately. Nor can the patriot and friend of Italy wish her a greater good than that the new Parliament may, in all but its great difficulties, resemble the old, which for firmness, moderation, and tolerance, was a model to representative bodies. The Island of Cuba has taken steps towards the abolition of slavery; and at Madrid a disposition to favour the colonists has been indicated by the formation of emancipation societies and the establishment of journals in their behalf.

The termination of war in America must give all our friends and supporters the greatest satisfaction. It was never regarded by us as anything but a grievous calamity, and we hoped that out of evil good might come to the slave, although it was clear that the emancipation by the North had been only a measure of hostility, and the support of slavery, their utterly execrable institution, by the South, only a partial cause of the Secession. But the condition in which the war has left the country, especially the South, is painful to contemplate, as the difficulties of the Government are great and numerous. There seems, however, reason to believe that the President has resolved

upon temperate measures towards the defeated Confederates, and all must admire the courage and the skill by which the victory has been gained, while both parties have alike distinguished themselves in the war, the South having to extol Lee, while Sherman and Grant, on the side of the North, are justly admired. The great difficulty arising from the slaves would have been much lessened, if not wholly avoided, had the measure of emancipation been gradual like ours. They might then have had to show their coloured people engaged in free labour, as we have had no less than 100,000 so employed in our colonies.

Europe has been astonished and shocked at the seizure of the Danish territories by force and fraud, a crime of which the partition of Poland affords the last example. But the great crime of the last century was on a far larger scale, and the late atrocity, both in its amount and in its tricks, bears the same relation to it that petty larceny bears to highway robbery. The chief blame in all respects is that of Prussia, and the probability is, that the wrong-doers will find their folly to have even exceeded their guilt. It must, however, be admitted that in his domestic affairs, the Austrian ruler has shown generosity as well as wisdom by his treatment of Hungary; and it is affirmed and confidently believed that the new Cabinet has determined upon the most important measure that has been introduced on the Continent—the creation of an unpaid local magistracy similar to our own. This would be by far the greatest benefit that could be conferred upon the country, and the Emperor and his ministers would gain immortal honour from it. In Prussia, no such improvements in the home administration are to be set off against the foreign misdeeds of the Government. On the contrary, there has been the wholesale violation of the Constitution in a series of oppressive acts, ending in the prosecution of senators for words spoken in debate, at a moment when the kinsman of a minister is suffered to commit murder without being brought to trial. It is highly satisfactory to find that our French neighbours have gained a material advantage in the freedom allowed to their municipal elections, and we may reasonably expect a like determination to abstain from Government interference with the far more important election of deputies. Meanwhile, we must all heartily rejoice in the cordial amity between the two states; the subjection of ideas of military glory to the useful object of pursuing material interests; the reduction of the standing army, and the enjoyment of the blessings which a solid peace secures to both countries.

The time appointed for our Congress unfortunately deprived us of the presence of our foreign associates at York. But

Mr. Desmarest came over to London at the beginning of winter, and attended our meetings with Mr. Berryer. It is needless to say that their reception was most cordial; but, indeed, Berryer, alike eminent at the bar and in the Senate, had in all quarters, from the ministers, as well as from the people, a reception worthy of his great celebrity, and which gave the highest satisfaction to all parties in the country of that illustrious man. We last year testified our great respect for Mr. Peabody by electing him an honorary member, the only one on our list. His great and wise munificence is the theme of universal admiration. But the East affords an example of generosity of a like, we need not say an equal extent in the great Hindoo of Bombay, Sir Jamsetjee Jeejeebhoy. If the princely wealth of such men is to be envied, a far greater subject of envy is the extraordinary wisdom and generosity by which its application is guided.

The kindred Association which was founded at Brussels in 1862 held this year its Congress at Berne, and was attended by Mr. Hastings on our part. He will doubtless report what there passed. Neither he nor any other of our body took any share in those Alpine ascents which have this autumn been attended with so much loss of life, and without the possibility of any good, by mere displays of hardihood in climbing to heights from whence nothing was to be seen. The promoter of Social Science deeply laments the loss to families in such displays of useless courage and perseverance, but his contemplations are directed elsewhere. We are pleased to contemplate the flowers in their raiment surpassing all the glories of Solomon. To examine the animal creation in its endless variety of instincts, each adapted wondrously to accomplishing its purpose; to observe the members of the human family, the capacity of individuals to unfold the order of the universe and subdue to our use the elements, and light, and electricity. But the social aptitudes of man are yet more worthy of our study, and the communities which he forms, and which are the especial objects of the Divine care.* Social Science, then, has pre-eminently claims to our regard, and promoting it is our highest duty to our Heavenly Father. That duty we delight to perform, rejoicing to be the instruments of His justice and mercy, and devoutly thankful to His goodness, which makes what he commands a pleasure to obey.

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* Nihil est enim illi principi Deo qui omnem hunc mundum regit, quod quidem in terris fiat, acceptius, quam concilia, cætusque hominum, jure sociati, quæ civitates appellantur; horum rectores, et conservatores hinc profecti, huc revertunter.—(Cic. Som. Scip.)

Address

BY

SIR ROBERT J. PHILLIMORE, D.C.L.,

HER MAJESTY'S ADVOCATE GENERAL,

ON JURISPRUDENCE AND AMENDMENT OF THE LAW.

THE title of the Department over which I have the honour on this occasion to preside, seems to have been chosen with care. The province of Jurisprudence alone has been a subject of much dispute among institutional writers. Writers of eminence have confined it to the consideration how the existing law of a particular state may be brought into most effectual operation; but without entering into the inquiry whether this opinion be even etymologically correct, at all events the title, "Jurisprudence and Amendment of Law," presents to the jurist a subject of deeper thought and wider grasp, extending his office beyond the investigation of the historical fact of mere instituted law, to the further inquiry as to the relation which such law bears to the whole system of which it is a part, to the consideration not only of what is, but what ought to be law, to the examination of the *legum leges* leading him to contemplate the law not as an isolated subject of a special science, but as one appertaining to the domain of philosophy.

Philosophy, worthy of the name, requires for its operation the facts which Jurisprudence supplies. Jurisprudence requires the aid of philosophy to marshal and generalise the materials so supplied. For law must be in a state of continual progress and development, adapting itself to the varying and manifold necessities of civilised man. No line of demarcation ought to be drawn between the theoretical and practical jurist.

Theory, without a treasury of facts, is an idle pastime. Practice, without a knowledge of principles, is a blind mechanism. It is because law must be in a state of progress that it continually presents two aspects to the jurist, accord-

ingly as he considers it as a history of facts or as a system of principles. In the latter point of view, the relation of each part to the whole is to be considered, and it is then seen that law is not a mere aggregate of legal propositions, but an orderly distribution of them, in proper subordination to a central principle.

Among the prominent advantages of meetings like the present are—First: The opportunity which they afford for free discussion, undisturbed by any political elements, attended at the same time by a recollection of the severe scrutiny to which the opinions expressed during its sittings are certain to be exposed; not only at the time, by those who take part in their discussion, but hereafter, and generally by competent persons, whose attention to the subject is more attracted than it otherwise would be by the publicity of these proceedings. Secondly: The international character of the meeting, having for its immediate object to obtain, by comparison of the laws of foreign countries, and by the experience of foreign jurists, information upon the deficiencies of English law, and on the possibility of applying remedies to them; having for its more distant object, perhaps, the hastening of that day foretold by the great orator and statesman of antiquity—when a general observance of the same principles of law upon the chief subjects affecting the wants and interests of humanity shall help to bind together the nations of the earth in the bonds of unbroken peace.

And here I cannot help adverting with great satisfaction to one feature in the American civil war now happily closed.

The belligerent rights of the United States came into frequent conflict, or, I would rather say, frequent contact with the neutral rights of other States, especially those of Great Britain. But a code of international law existed which England had enforced when belligerent, and to which she cheerfully and at once submitted when neutral.

The United States Prize Court has applied—I speak generally—with good faith and much judicial ability, the principles of the *jus inter gentes* to the particular cases which were brought before it, and the peace of the world has been preserved, which, had no such law been recognised, would have been probably exchanged for a long and bloody war.

The excellent papers of Sir James Wilde and Mr. Reilly are in truth both due to this Association, and most valuable contributions they are, not only to our juridical literature, but to the real progress of legal reform. They deal with the very important questions of a digest and a code. The more these subjects are examined the better. Through discussion, written

and oral, true principles, upon this as upon other departments of science, will fight their way through the many difficulties which obstruct their progress. I venture, therefore, at the risk of being censured for travelling again over ground already so ably trodden, to take advantage of this occasion to express the reasons which have had weight with my mind upon these subjects. I suppose that the number who think the present system of jurisprudence and legislation in England incapable of great improvement is very limited. There cannot surely be many educated persons who think that it is an *à priori* desirable state of things, that the law of a country, teeming with wealth and population, should be scattered over thousands of volumes of reports and more thousands of statutes; or that a fiction of the continual existence of an unwritten law, applicable to all our wants, ought to conceal the fact that no such law ever did exist.

Mr. Maine, indeed, points out, in his admirable work on ancient law, the good service such fiction has done in its time, in fact, that by recourse to it English judges were enabled to avoid administering injustice. The same remark applies to the separate system of equity—both have practically been the means, however circuitous, of giving reality and life to the moral conceptions of the people. It cannot surely be reasonably contended that a proposition of law which can be clearly stated in a judgment of court or a statute, cannot be as clearly stated in a clause of a code. Great accuracy and precision of language are requisite certainly, but equally for both—both will be equally subject to criticism and investigation in whatever case requires their application. The objection, therefore, that a code would deprive us of the advantage we derive from the application of principles supposed to be *in gremio judicis* ready for all circumstances, is really good for nothing.

We know that this is not the fact; we know that the judge, in the absence of a direct precedent recorded in a judgment, or stated in some work of received authority, has recourse to reasoning from the analogy of decided cases, and not to any repository of jurisprudence; and that if the reasoning from analogy fail, the judge cannot supply the want, which he acknowledges and deplores, but must have recourse to the legislature. In such cases, therefore, until the remedial statutes be enacted, justice cannot be done.

In a very recent case, worthy of attention upon many grounds, the question being whether the prosecutor might call witnesses to rebut the evidence of good character given by the prisoner—a point, most strange to say, never before decided—one of the judges is reported to have expressed him-

self to the following effect:—"The doubt on my mind is this: the law of England is the law of practice and precedent; what has been the practice for years constitutes the law; and when precedent or practice is found to be wrong, the legislature sets it right."

I venture to think that a code is the goal to the ultimate attainment of which our exertions should be directed. A digest, indeed, must necessarily precede, but it cannot be a substitute for a code. A digest is the collection of materials out of which the house is to be built; but it is from their subservience to this end that they are really valuable. A digest of English law alone is truly an arduous task, but the contributions to it are already many and rich, though they are widely scattered and leave much unprepared.

A digest of cases, both at common law and equity, under proper heads—and such we have—lightens the labour of the jurist who prepares the digest of principles; his labour is still further aided by the publication of leading cases, round which are grouped what ought to be legitimate children of the parent principles enunciated in the first case; still further by treatises of acknowledged merit upon particular branches of the law, such as Abbot on shipping, or the treatises of Lord St. Leonards, which always exhaust their subject. The separate jurisdictions of law and equity in this kingdom are often said to present an insuperable obstacle to a code. But if this separation be proved by discussion and reasoning to be evil on this as well as on other accounts; if that enlightened public opinion which is naturally and invariably in advance of existing law demands the fusion of the two systems, who can doubt that this fusion is only a question of time—that it is as certain as the triumph of any other sound principle relating to social progress in this free country? Meanwhile a proper digest at the present time would show how the principles and practice of common law are checked, or modified, or aided by the Court of Equity, and the road would be paved for amalgamation.

Then, as to the digest of the statute law. Every Act which on a particular subject repeals all existing enactments, and embodies in itself whatever has been found useful in them, supplying whatever defects judicial decisions or the course of events have exposed in them, and adding whatever social necessities seem now to require, or whatever is good in foreign jurisprudence upon the same subject—such a statute as the Merchant Shipping Act, for instance—is a little code in itself on the particular subject.

The same course—Mr. Greaves points out in his intro-

duction to the Criminal Law Consolidation Acts—might be pursued with regard to the law of landlord and tenant, and the remark applies to many other subjects. But might not the digest of which I have such exalted notions, still further extend its usefulness, and perform its functions as the precursor of a code? Might not the propositions of law taken from these sources, be accompanied by a statement of the propositions contained in the Roman *corpus juris civilis*, upon the same subject? Why is this rich mine to be left unworked? There is no doubt that the Roman law was introduced into England at a very early period. The Ecclesiastical Court kept alive the spark (to use an Homeric expression) of that noble jurisprudence. The ecclesiastical chancellors of the court of equity founded their system upon it, and many maxims from it, supposed to be of English origin, were in truth taken from it by judges of the common law. But various causes, too long now to dwell upon, prevented the introduction of that carefully matured and most refined system (which Leibnitz pronounced to have approached mathematical perfection in the accuracy of its rules for the conduct of men in the affairs of civil life) into the general jurisprudence of England—but in the absence of these causes it took early and deep root in the continental states.

On the European continent law anticipated the usual stages by which it naturally arrives at maturity. If you analyse the process by which a system of law is built up in any country, you find that the moral conception of right and wrong "between whose endless jar (Shakespeare so well says) justice resides," is first implanted in the individual, is further extended by the authority of the head of the family; it appears next in the usage of the tribe, and then the circle widens till it becomes the rule which governs the conduct of the whole community.

It is in this last stage that law becomes the subject of philosophical treatment. But the Roman law was placed at once by the side of the rude cradle of the law of the barbarous races of the continent, and the infant grew up by the side of the adult man. This was not in every respect an advantage. The science of jurisprudence was so much in advance of other sciences that it was for some time isolated from the general intellectual life of the community. It seems to have generated a distinct school of theoretical and political lawyers, whose opinions were, perhaps, somewhat crudely blended in the existing codes. For the codes of Austria and Prussia were not affected as the code of France was by political exigencies.

In France two principal circumstances gave rise to the code —the havoc caused by the revolution in all jural relations springing out of feudal law, and the political necessity of abolishing the peculiar customs of the separate provinces in order to strengthen the system of centralisation.

To us in England, the careful and discriminating study of the Roman law presents, at the present time, almost every conceivable advantage. It affords us upon many subjects—especially the law of obligations—an unrivalled system of jurisprudence, in which philosophy and practical sense, and what we call law and equity, were, from the very peculiar circumstances of its growth, wonderfully combined and reconciled, a system which has stood the test of eight centuries, and which lies at the root of the jurisprudence of the civilised world.

Those who are afraid that the native strength of our indigenous justice may be violated by the foreign element, are no more to be reasoned with than those were who thought that the study of Michael Angelo and Rafaelle would destroy the native excellence of our indigenous painters—and such persons there have been.

What attractions such a work would possess. How different an aspect would it give to the study of English jurisprudence. What a noble domain of judicial science acquired in spite of their disadvantages by the labours of our forefathers, now hidden in reports and entangled in cases, would then be revealed. How many intellects of the highest order, trained by classical education for the greatest efforts would be attracted to the Bar, which now turn away in disgust from the barbarous, uncouth, disorderly heap which is now presented to the view of the bewildered student.

Such a digest, acceptable to every educated man, would render certain, at no distant date, the legislative enactment of the principles which it contained. This would be embodied in a code which would do honour to our country. But I do not mean to represent a code as a final adjustment of the law. As years roll by and experience increases and new circumstances arise, alterations will be required. Indeed, after any considerable lapse of time, the body of the law of any state ought to be examined, and as it were, interrogated whether it fulfils its duty with respect to the needs of existing society. The weeds will spring up in the fairest herbage, but ignorance alone conceives them to be necessary for its growth—the earth accumulates over the noblest monuments of architecture, but the blindest antiquary knows that it does not contribute to their ornament or use. The error which springs up round

all human institutions must be from time to time cleared away, and the inheritance preserved and improved. Nor can it be contended that any code will render commentaries unnecessary. Such a result is impossible, while human thought is conveyed through so imperfect an instrument as human language.

But it is asked who is to prepare this digest? and who is to pay the industry and talent which must be employed upon its construction? Though neither of these questions could be answered satisfactorily, the argument as to the advantages incident to a digest as preparatory to a code, would remain the same. I should not despair of the success of private energy. But I do not abandon the hope that Parliament, which votes £600,000 or £800,000 for the education of the people, will see the expediency of voting a few thousands for the object of inducing competent persons, and such are to be found on the bench and at the Bar, to devote their energies to a matter so intimately connected with the interests of the people as the improvement of the common law. Parliament will do this, if public opinion demands it, and by such meetings as the present the public attention is attracted to the subject. Nevertheless, much as I desire to see a well-instructed code of English law take the place of our present chaos, I deprecate with all my energy the premature compilation of one.

The observations of the wise and learned Savigny, a working successor of Donellus, are well worthy of attention, though I am afraid they are about to lose some of their force in my translation. He is speaking of the Prussian code.

"The principle," he says, "which lay at the bottom of all these codes was the same—a principle which had for some time produced a great number of separate laws or enactments in many States. It was a desire to escape from the difficulties which had arisen, partly through the conflict of Roman and German institutes of law, partly through the imperfect theory and the frequently vacillating practice of the last centuries. This end could, in truth, only be attained when a purging of these defects of jurisprudence by an acute critical investigation had first taken place. But inasmuch as this was wanting, and as therefore the compilation of these codes was undertaken under the influence of the then imperfect state of judicial science, which it was intended to remedy, the improvement was necessarily external, accidental, and partial, while the internal and real defects became stereotyped, and thereby the future purification of them by the native vigour of science was,

if not entirely prevented, at least rendered a task of much greater difficulty." These words seem written for the admonition of those who are anxious for the codification of our law. It is one of the evils incident to a sudden awakening of long dormant energies directed to the improvement of any department of social life, that legislative measures are proposed which have the double vice of carrying the office of the legislator beyond the limits within which human law can successfully operate, and of treating men as if their nature could be altered by human positive law. Perhaps the unsurpassed sagacity of Adam Smith is in no passage more conspicuous than that in which he strives to impress upon the legislator, and especially the reformer, the necessity of remembering that human creatures cannot be dealt with like the pieces upon a chess board, which are subject only to the movements impressed upon them from without; whereas, in the game of life, every separate piece has a principle of movement of its own, independently of that which any external power can impose upon it. The game is only played well—if it be allowable to carry further the illustration—when the two principles are brought into harmonious action.

There is another mischief incident to the same period of agitation—though the agitation itself is to be hailed as full of benefit to mankind, and immeasurably superior to the period of torpid acquiescence in admitted evil because of the danger of change—the mischief of hasty empirical legislation; the rash cutting of a knot which the mind has not patience or skill to untie. I regret to say that the most striking and apposite examples which at present occur to me, are derived from the legislation relative to the Church and the institution of marriage during the present century. With respect to the Church—the stores of ecclesiastical jurisprudence neglected, unknown, or despised by indolence, ignorance, or presumption; the keen sense of a present evil; the eager determination to get rid of it at any cost; the mistaking the symptom for the malady—conspired to produce the hasty statute which, like the medicine topically applied by a quack, increased in other parts the disease which it skinned over in one. The hasty statute leads to another to explain, another to alter, probably another to repeal. "We had no notion that this would be the effect of the statute. We did not know that its interpretation, according to legal maxims, would bring it into contact with the other principle which it is of vital consequence to maintain." These are remarks which I have more than once had occasion to hear when the mischief was done.

The over-restlessness, combined with ignorance, of popular

legislation, produced pretty much the same result as meddling, benevolent, ignorant despotism. But in truth this particular instance of legislation for the Church, only illustrates the blot of our Statute Book. What is the main cause of its incoherent mass and tangled perplexity? The absence of system which springs from neglect of the true principles of jurisprudence and legislation. With respect to legislation on the institution of marriage, there was grave subject for complaint in the state of the law which governed the obligations of the marriage contract previously to the year 1855. The relief which passed under the name of divorce *à mensâ et thoro*, was slow and expensive. The dissolution of the marriage bond, divorce properly so called, was theoretically unknown to the law of England, but could be obtained in certain cases by those who were rich enough to procure a private Act of Parliament. A reform was certainly needed; but was there ever a subject which ought to have been more entirely removed from the area of political parties—which ought to have been preceded by a more cautious consideration of the principle and the details upon which the reform ought to proceed? The question lay at the very root of society. Independently of religious opinion, the dissolubility or indissolubility of the marriage bond was the question which, of all others, most deeply affected the morality and welfare of the people.

I will not on this occasion dwell upon the experience which the working of the divorce statutes has furnished. But I wish to observe that "*vestigia nulla retrorsum*" is not always the language of an enlightened reformer of the law. To undo a mischief which has been unadvisedly done under the name of a reform, is as much an improvement of the law as the removal of an original grievance.

If our own experience confirms that of France, which tried for several years and then abandoned the same experiment;—if it tends to show that it is the opinion of philosophers, statesmen, and divines,—fortifying by their divergence on other subjects their agreement on this—that the interests of society require the indissolubility of the marriage bond, that indissolubility should become law.

Meanwhile, if the general improvement of our law does not keep pace with the wishes of sanguine reformers, it is at least satisfactory to observe that it is not, as once, in a state of complacent and applauded stagnation; that the stream flows, however sluggishly, in the direction which the wishes and wants of society point out. The work of purging and consolidating the statutes—a work with which the late Lord

Chancellor's name will always be honourably connected—continues its useful course. Questions of further legal reform have been discussed; some have been enacted by the Legislature during the last session,—probably no year will be suffered to pass away unmarked by some contribution to the good object of repairing and improving by pulling down, as well as by building up, portions of that great edifice of the law, on the proper structure and condition of which our welfare so greatly depends. The illustration which I have borrowed naturally suggests that a measure of reform more intimately connected than perhaps appears to superficial observers, both with the better administration of existing law, and indirectly with the future progress of jurisprudence, may be now considered as secured to the country—I mean the construction of proper courts of justice, and the abolition of those which are now a source not only of grave inconvenience, but positive ill-health to the judge and the advocate, as well as an expense and a delay to the suitor, independently of the consideration of their shabbiness and discreditable unsuitableness to the grandeur of the kingdom. It is a great satisfaction to me to reflect that the report of the Commission, of which I had the honour to be a member, has at last borne fruit, and that the Legislature has decreed that money obtained from certain funds derived from accumulated fees, for which there was no legitimate claimant but the State, shall be expended upon the erection of one Palace of Justice, whereby all courts of justice will be brought under one roof upon a convenient site, and on a scale adequate to the great purpose for which they are built. Let us hope that the new Palace of Justice will inaugurate an improved law. In the inconvenient, unhealthy, and mean courts, the English judges have done their duty; from the awkward fiction and the feudal theory, justice has been wrested by the keen intellect, the manly sense, and the free heart of the English judge. But the English judges will do their duty at least as well in courts of proper dimensions and due proportions, and English justice will be administered at least as well as when it is derived from the perspicuous language of a written law, founded upon acknowledged principles of universal right, applied by sound philosophy and tried experience to the affairs of man.

I observe that one of the questions chosen for discussion at this meeting is the expediency of removing the remaining restrictions on the admissibility of evidence in civil and criminal proceedings. The history of the law on evidence in all civilised countries, but especially in this, is very interesting and instructive. None, perhaps, better illustrates

the merits and defects of the English system of administering justice.

In looking back upon the different epochs of this curious history, we cannot fail, on the one hand, to observe the practical good sense, the keen appreciation of the value of time, the consequent dread of collateral issues, the love of fair play which struck out, not originally by statute, but by clear judicial exposition, the general limits in which evidence should be restrained; on the other hand we must observe the subsequent technical manipulation of these principles, and their gradual settling down into an arbitrary system, in which the end was often sacrificed to the means.

It is instructive to look back from our present vantage-ground upon the obstinacy with which the attempts to widen these limits were long resisted, the deafness to the argument that the restrictions, in their anxiety to prevent temptations to perjury and the misleading of juries, in truth shut out the best evidence of the fact under discussion; the struggles of enlightened judges to convert questions of competence into questions of credibility, in order to prevent the gross failure of justice, the increasing uncertainty of this branch of the law, the powerful protest, in spite of its many defects of temper, style, and language, of Bentham; the timid nibbling which preceded Lord Denman's great statute of 1843, which contained in its honest and vigorous preamble the memorable recital:—"Whereas the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the fact in issue, both in civil and criminal cases, should be laid before the persons who are appointed to decide upon them, and that such persons shall exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony."

The conclusion, indeed, fell far short of the enlightened and philosophical premises; probably, however, the Legislature was not then ripe for further progress. We trace the onward course, and in subsequent legislation, partly by direct statutes upon the subject, and partly by clauses in particular statutes, we see the peculiarly English mode and manner by which reason and philosophy have gradually triumphed over the inveterate prejudice of so-called practical men. The triumph is, I think, not yet complete. While any objection to the competency of a witness remains, evidence will be shut out from the court which not only the judge and the advocate connected with the case, but every sensible man knows would, or at least might, throw light upon the fact in

controversy, or in other words would lead to the discovery of the truth.

The principal argument for continuing the exclusion of the prisoner's evidence is that it would be contrary to the spirit of our law and constitution to compel the accused person to bear testimony against himself, and that if he refused to answer the question put to him he would practically bear this testimony. I am not struck by the force of this argument; the object is to discover the truth, not to shield the criminal. Then the rule operates severely against the innocent man. It has happened that the accused person found guilty in the criminal court has been a witness upon the subject as to which he was found guilty in a civil court; and that upon hearing his evidence, and seeing his demeanour, the jury have arrived at a conviction of his innocence of the offence for which he had been condemned.

Nor is this phenomenon confined to proceedings in a civil court; it has happened that the defendant has become, as in a late case, the prosecutor in a criminal case of the person who prosecuted him; and then the situations being reversed, the late prosecutor's mouth being closed and the late defendant's opened, the late prosecutor has been found guilty of perjury in the evidence by which the late defendant was convicted, and is suffering imprisonment. In the Act for amending the law of evidence and practice on criminal trials, the preamble recites that "It is expedient that the laws of evidence and practice on trial for felony and misdemeanour and other proceedings in courts of criminal judicature, should be more nearly assimilated to that on trial at Nisi Prius." This is a considerable improvement on the previous state of the law. It is again instructive to look back and trace the steps which led to it. At common law, no counsel was allowed to a prisoner put upon his trial for treason or felony, and Lord Coke discovered and approved of the reason—"Because," said he, "the evidence to convict a prisoner should be so manifest that it cannot be contradicted." The injustice of the rule became apparent, and was as usual evaded, not altered. The judge at first allowed counsel to instruct the prisoner how to interrogate the adverse witness. The statute of 7 William III., c. 3, provided that a prisoner might be defended by two counsel, but no further progress was made till the reign of the next William. The statute of the 6 & 7 William IV., c. 114, allowed all persons on trial for felony, and all accused persons in cases of summary convictions, to make answer by their counsel or attorney. And now this last statute of last session assimilates the law of practice as to

the speeches of counsel in criminal trials to that which prevails in civil trials.

The exclusion of the evidence of the husband and wife as to the fact of adultery, is most unsatisfactory on every ground. For in the Divorce Court, the question of the admissibility of the evidence of the husband or wife in the matter of adultery depends (such has been the careless structure of the statutes) upon the form of the suit—being admissible in one kind of suit and inadmissible in another—the fact of the adultery being really at issue in both. The law of evidence as to persons charged before the magistrates in cases of summary convictions appears still more indefensible; but I will not anticipate the observations which will be addressed to the Congress on this point. Upon the interesting question of private international jurisprudence, relating to the expediency of establishing a uniform international law of freight, we are certain of hearing, from the gentleman to whose hands the subject has been confided, an excellent paper; also, on the questions of municipal law relating to bankruptcy, and the bearing of the administration of the poor law upon the reform of criminals, we have reason to expect much valuable information. The treatment of convicted criminals appears to me one of the most arduous and perplexing subjects which it has ever been the duty of a legislator to consider. The records of the jurisprudence and policy of the most civilised nations of antiquity furnish no materials for our guidance in this matter; and no Christian state can be said to have arrived at a satisfactory conclusion respecting it. Certainly our own experiments have been hitherto unsuccessful; though it is only just to add that, latterly, at least, our failure has in great measure arisen from the absence of physical resources which some other nations possess, and which, till lately, whatever use we made of them, we had ourselves. The area within which the reformation of our criminals is to be worked out, is no longer a large and ample territory; the scene is no longer removed from the associates and objects connected with their guilt. It is within the walls of a narrow space in this densely-populated land in which the crime was committed, and in which land the criminal, when his sentence has expired, is to earn his future livelihood, that the theory of the amendment of the criminal by prison discipline has been necessarily put to the test. Nobody denies that for the greater number of offences, limited imprisonment, with or without hard labour, is the necessary punishment. The convict must go into prison, but he must also come out, and the condition in which he comes out affects the interests of society quite as much as the power of putting

him in. If he be practically taught, or internally convinced, that he has for ever forfeited the position of an honest man—that the world's hand will ever be against him, whatever be his repentance and amendment—in most cases his exit will be as much to be dreaded by society as that of a wild beast, retaining all the ferocious passions of its original nature, but endowed with intellect, and informed by experience how to gratify them with least personal danger.

The discipline of the prison should be such as to inspire not only horror for the punishment, but sorrow for the crime, not only regret for the past, but hope for the future. In these last words lies the problem to be solved. But even as to sentences of imprisonment for life, ought there to be written over any gaol, "abandon hope all ye that enter here;" or ought not the hope of bettering his condition—perhaps of ultimately regaining his liberty—to be seen even by those who have merited this terrible sentence, through the long vista of continual toil and penitential discipline? The question of capital punishment is also on the paper for discussion. There are those who think that society has no right to inflict this punishment; there are others who admit the abstract right, but deny the expediency of inflicting it, and upon various grounds, but chiefly, I observe, because the scandalous scene of a public execution attracts the base and demoralises the good. Surely, however, this publicity is not a necessary incident to the maintenance of capital punishment. The horror which it ought to excite for the crime would run no risk of being converted into compassion for the criminal if the execution took place under proper guarantees and precautions within the prison walls. The arguments against this much required reform have never seemed to me sufficient; at all events, it deserves to be well considered. There are other topics of much interest proposed for the consideration of this Congress, on which the passing hour admonishes me not to dwell. Let me, in conclusion, observe that it has not been permitted to many, as it has been to our illustrious President, to witness the reaping of the harvest sprung from the grain which his own hand scattered over what once appeared very unpromising ground. But let no man who contributes an honest endeavour to the melioration of the law be disheartened by the present rejection of his proposal. *Nitor in adversum* must be the motto of all reformers; the seed which he sows may lie long in the earth before it ripens. It may be that, like Romilly, Mackintosh, and Grenville, he will never behold the fruit of his labour. The outward man perishes, but the thought which he has uttered for the benefit of his fellow-citizens survives. The lamp which

he had kindled is not extinguished, but passed on to other hands for the future welfare of mankind; and perhaps there are not many reflections more soothing to the close of life than the recollection that you have used the talent which God has given you in the endeavour, however humble, to improve upon earth the administration of that justice which is only perfect in Heaven.

Address

BY

THOMAS CHAMBERS, Q.C., M.P.,

ON EDUCATION.

EMBARRASSED by the reflection that I am placed suddenly in a position for which I am utterly unprepared, I feel painfully conscious that I only *occupy* the situation which Dr. Hook (whose absence, and the cause of it, we all so much deplore) would so well have *filled*. As a substitute for his able and well-considered address, I can but offer to the Association, as the result of scarce an hour's preparation, a few cursory and unconnected remarks upon the important subject belonging to the section.

That subject—EDUCATION—does not diminish in interest nor in importance as time rolls on. Indeed, it is curious to see how the area over which it extends has been gradually but rapidly widening. When public attention was first called to the question, it was to education so far as it related to the working classes of this country that the sympathy of the philanthropist and the labours of the legislator were directed. No other class was then at all considered in connection with this subject. Inquiry and interference in regard to any other class was looked upon (if thought of at all) as at once unnecessary and impertinent. But since then—and more and more as we come nearer to the present time—the interest, and even anxiety, awakened on this matter have continually been spreading over a wider area, until at this moment they cover the whole surface of society, and include every grade and rank and order of the population. Having begun with the lowest, the poorest, the most helpless classes amongst us, we now find the millions of the middle classes, and even the youth of the highest class, the subjects of investigation and experiment in relation to the momentous matter of education. A Royal Commission has severely scrutinised and fully reported on the quality and character of the instruction given at our great public schools; and more recently, as the result of a memorial

prepared and presented to the Government by the council of our Association, a similar commission was issued to investigate the great subject of middle-class education. One could not have anticipated, fifty years ago, that any such inquiries would have been necessary in reference to those who paid for their own instruction, and whose demand for it was to be met by unrestricted competition. It might naturally have been concluded that free trade in schooling would of itself have brought into the market a sufficiency of education in quantity, and the best in quality. How far that conclusion would have been from the truth we have already some means of judging, but when the commissioners shall have made their report, its utter fallacy will be more fully known. Even now, all who are competent to form an opinion upon the subject are agreed that it was high time that a searching investigation should take place, and its results be placed before the public. We are all alike interested in the question. Not the helpless classes only—the pauper, the vagrant, the criminal, the very poor—but the labourers, the artisans, the clerks, the shopkeepers, the traders, the professional men, and even the highest orders in the state, are all deeply concerned in the efficiency of any system of education and training which may be in operation amongst us. The inquiry which had been made into the condition and working of our great schools—Eton, Harrow, Winchester, and others—was the means of eliciting much valuable information, but it was felt that the range of that inquiry was too narrow to justify the commissioners in recommending the adoption of any particular plan, or even in suggesting any scheme. Hence the importance of the step taken by our Association, and the consequent issue of a commission, in December last, to inquire into the provision made in this country for middle-class education. The objects of that commission are well developed and very clearly stated in a paper issued by Mr. Fitch (one of the assistant commissioners) to the keepers and proprietors of schools in the district (Yorkshire) for which he was appointed. The investigation will take the widest range, and will include all our grammar schools, all collegiate, proprietary, and private schools of every kind, and will seek to discover what is the nature, amount, and quality of the instruction given in them, their systems of training, their terms of admission, and the like.

The commissioners will inquire as to endowments for educational purposes, their number and amount, the localities where they exist, the nature of the control under which they are placed, the patronage they involve, the classes of persons for whom they are now available, and upon what conditions

and for what periods. It will probably be found that the number of such endowments is very large, and that a considerable proportion of them are not at present so useful as they might be—and many not practically available at all.

They will investigate the provisions of the trust-deeds of grammar and other foundation schools, in order to ascertain whether or not it would be expedient to make some alterations in their terms, for the purpose of better accomplishing the object of the founders, and carrying it out in a manner which they would have approved if they had lived to the present day. They will also inquire as to the masters, and the mode and conditions of their appointment, the amount of their patronage, the scope of their authority, the tenure of their office, their qualifications, and remuneration; whether the head-master appoints all his subordinates, and is directly responsible for their efficiency; or whether this patronage is in the hands of governors, corporations, or other patrons or visitors of the school. Inquiry will be made as to the scholars —their number, age, from what classes drawn, on what conditions, and upon what terms of payment admitted, how long retained; whether admissions are free or restricted to some county, or town, or parish, or to some special class; and how far any such regulations impair the efficiency of the school, and require revision. It will, doubtless, be found that restrictions of the nature alluded to are innumerable, many of them utterly unsuited to the present day, most of them unnecessary and even mischievous.

The instruction given in these institutions will attract special attention. How it is given, by what masters or monitors, in what form—catechetical or otherwise—at what hours, over what area the education extends, what subjects it embraces, whether limited, as that of our old grammar schools, or extended and comprehensive, in accordance with the exigencies of modern times. Questions will be anxiously asked as to how the results of the instruction and training are tested in each case, whether they are tested at all, and if tested, in what form. Is the criterion applied, and its result stated, by the master or proprietor of the school himself, or by independent and competent judges? At what intervals are these examinations held, and how is the issue of them made public?

Consideration will be given to the question, *whether small endowments*, inadequate each by itself to any useful purpose, *may not be amalgamated* to form a larger fund, which might be employed to found and sustain a central school, to which all those might be admitted who would have had a right to go to the smaller institutions, whence the endowments had been

withdrawn, and in which district, or central school, the education given should be of a higher class than was possible of attainment in the suppressed schools.

Or if such amalgamation of small endowments were impracticable, or inexpedient, then it might be considered whether they could not usefully be employed in founding exhibitions at really good schools, or scholarships at the university; and thus securing by a judicious employment of a small fund a really good education for one or a few boys, instead of wasting it on a school not capable of doing any good service to the neighbourhood.

Then, also, questions may usefully be raised as to *the best form which endowments may be made to assume.* Many persons are very jealous of endowments, and not altogether without reason. They are liable to be perverted from their original design—to be so used as to work mischief rather than good—to pass imperceptibly from the promotion of the public welfare, to the promotion of private interests. So an endowed institution has a natural tendency to become inert and sluggish — formal and perfunctory — inanimate and inefficient. And this native bias towards repose is only to be corrected by the vigilance of the public. Left to itself it falls into a state of suspended animation; its vigour and activity are to be maintained only by popular attention and interference from without. Hence it becomes an important question, how far the form which an endowment may assume may be more or less favourable to such a tendency, with a view to the selection of that form which involves the very smallest risk in this direction? Whether the fund should be at once sunk in buying land and building school premises, or invested, so as to produce a salary for the head master, or to maintain exhibitions and scholarships at the school or the university? Whether the money would be more fruitful of good when spent in establishing a large central school, or several smaller district schools, or in providing an entirely free education for the poorer classes? All these are points of no mean importance. And we cannot doubt that the information to be obtained in regard to them, and the suggestions to be made, will be of the greatest value.

Hitherto we have spoken only of endowed schools; but, numerous as they are, they have not provided one-fiftieth part of the whole means of education, and therefore the Commission will extend its inquiry to all other (and more private) educational institutions. Schools, the private speculation of individuals who conduct them for their own profit, with more or less assistance from under-masters, professors, and tutors, exist in this country in all our cities and towns, and in many

of our larger villages. They vary indefinitely in respect to efficiency and numbers, and terms of admission. We have reason to be thankful to those who came forward to supply that demand for education for which there existed no adequate public provision, and for the numerous instances in which that supply was provided in a conscientious spirit, and with commendable zeal, ability, and assiduity. Indiscriminate censure of these establishments would be as unjust as indiscriminate eulogy would be absurd. But if we concede all that the utmost liberality could exact of us in favour of the work done by private schools, we must still abide by a firm conviction that, taken as a whole, they were far below the standard of efficiency which the public interest requires, and which public opinion demands. Neither in quantity nor in quality is the instruction what it should be, whilst several incidental disadvantages attach to the system. It is often costly beyond reason; its discipline defective, its training unsystematic and without principle. Above all, there is no efficient test of it in the way of frequent examinations of the pupils by competent and disinterested persons, and the publication of results.

These evils at length attained such magnitude, and these defects became so glaring, that efforts were made in various forms and in many places to supplement private schools by the establishment of educational institutions not the property of individuals, nor carried on for the profit of any proprietor, but having the single object of furnishing a good, sound, and useful education at cost price to all who chose to avail themselves of it. This was a great step towards improvement, and deep gratitude is due to those who were the first to see that if the training, physical, intellectual, and moral, of the children of the middle classes was to become thoroughly efficient and adequate, education must cease to be a matter of private speculation and pecuniary investment; must be withdrawn either altogether, or, at least, to a great extent, from the region of political economy where the doctrines of supply and demand are sovereign and sufficient, and must be made a question to be considered by parents in the interests of their offspring alone, and without any reference whatever to income and dividends, which, in the case of an adventure for gold, are natural and reasonable.

In truth, it was seen that mercantile principles failed altogether when applied to this great subject. The reasons of this we need not investigate, the fact is notorious. As the consequence of this discovery, philanthropic and far-seeing men among members of our several liberal professions—especially among the clergy—set about the task of supplying this great deficiency.

Commercial and middle schools were established about twenty years ago in Manchester,* in Preston, in Liverpool, in Birmingham, and, I believe, in some other places; and their success has been in the highest degree encouraging. In addition to these efforts others, having the same object, were made in various smaller towns by the ministers of religion, the lawyers, the doctors, and the principal traders and agriculturists of the district, who felt that their sons were not acquiring, in the private schools of the neighbourhood, that kind or amount of education which they might obtain at a cheaper rate on a better system. They therefore combined, and by the subscription of a small capital obtained the means of procuring suitable premises, and starting schools on the proprietary principle, where the object was not principally (if at all), a dividend upon their investment, but a good, thorough, useful education for their boys. Many of these establishments have been affiliated with the London University, have done much good, and have run a successful career. These will be carefully investigated by the Royal Commission, and we shall learn from the report how far they have been an improvement upon private schools, and what they yet lack in relation to a perfect system.

More especially inquiry will be instituted as to the best mode of governing such institutions, and the exercise of patronage in the appointment of masters and the admission of scholars. Whether it be more desirable that the body of proprietors, or some of their number selected for that purpose, or the parents of the children in the school, or the neighbouring municipal corporation, or some other public functionaries, should have the several appointments and the ruling power in their own hands. Then, how the schools are to be filled, on whose appointment, at whose discretion, on what terms, for what time. Is it desirable that the children of all classes should be associated, or that they should be separated? Are boys from the professional and higher trading classes to mix with those who spring from shopkeepers, artisans, and labourers? If so, for what portion of their time at school are all to be educated together, and when are they to be separated? Over what period should the education of each class extend, and how far should the length of the whole course govern the character and range of the instruction given? The question whether all should for a time stand on terms of equal competi-

* Among the earliest of such schools were the Commercial Schools at Manchester, opened in 1845, and built and their whole system modelled under the immediate superintendence of that devoted friend of education, the Rev. Canon Richson.

tion in the same classes, learn the same lessons under the same masters, and be the subject of the same discipline, is important in its social, no less than in its educational aspect, for much of the sympathy, springing from conformity in taste and habit of thought, which binds class to class, will be generated and nourished, or discouraged and checked, according as our educational arrangements tend in the one or the other direction. On all these points we look for valuable information and for practical guidance from the report of the commissioners. Wise and prudent advice on these momentous matters, conscientiously acted on, will issue not alone in the elevation of one class, nor even in the elevation of all classes, but in the knitting of us all in a closer union, both intellectual and moral, and, therefore, social. The ties of school, the most innocent of all bonds, will remain unbroken through life; and though so elastic as to allow of widely divergent courses and careers, they will yet be found tenacious enough to transmit sympathy and to bind in amity for all their lives long those who sat on the same form, pored over the same task, played at the same games, trembled at the same frown, and struggled for the same prize.

We thus glance at the great public benefits which may be expected to flow from an improved general scheme of education for a twofold object: first, to encourage us all to aim at it; and, secondly, to induce all those who can furnish valuable aid in the proposed inquiry to be forward in giving it. The Commission is not issued with a hostile purpose towards any, nor will it pursue its investigations in a hostile spirit. Its object is to enlarge and improve and perfect every facility for popular education, not to discourage or denounce any. Therefore, let us hope that the managers of all existing educational agencies will cordially co-operate towards the accomplishment of the great object. Let the proprietors and principals of private schools do so without jealousy or apprehension. Our obligations to them for doing, for many years—though, in some cases, imperfectly—a work for which no other agent stood ready, can never be forgotten; and they will add materially to the amount of those obligations if they freely give the result of their valuable experience to the gentlemen whom the Queen has appointed to investigate this great subject of education. Then there will be laid before Parliament and the public, as the result of the suggestions of this Association, and the labours of this Commission, a valuable array of facts and figures, and a series of practical inferences and hints arising out of them, which will tend to secure for the middle classes of this

country what we have at length obtained for the labouring and the lower classes—a sound and thoroughly useful education, and at a moderate charge. At once to diminish the cost, and enhance the value of the article purchased, must be good, and in the case of schooling, pre-eminently good. For a farmer, a small tradesman, a struggling professional man, to be able to send his boys to a better school, or to a good school for a longer time, is a great and undoubted advantage to the parents, to the children, to the whole community; and, hence, any arrangements which, while they lower the price, yet tend to raise the quality and increase the quantity of sound and useful instruction, deserve the hearty support of every father and every patriot.

A word should be said in this address upon the subject of the schools which have had the assistance of a Government grant. We all know how animated a controversy has been maintained, both in and out of Parliament, on the subject of the "Revised Code" of regulations under which the Committee of Council propose for the future to administer that fund. I draw back timidly from the scene of an encounter which has been carried on with terrible energy by champions of the highest repute, nor will I presume in this place to thrust myself either between the contending forces or into the ranks of either of them. But this I cannot forbear to say, that the merits of the controversy are actively canvassed, and its results anxiously awaited by all of us who take a deep and earnest interest in popular education. After the labours and sacrifices, the thought and toil of so many minds for so many years, it would be sad if the fruit were blighted at the moment of maturity, and if, just as we were rejoicing at the prospect of a full harvest of success, our fields should be blasted or our labourers withdrawn. There is not one among us who does not feel that if the result of the recent change, or of any change, should be to diminish the efficiency of our town and country schools, or (which is the same thing) to thin the ranks of qualified teachers, incalculable mischief would be done, and the benevolent purposes and self-sacrificing exertions of many thousand persons be rendered abortive; while several generations of our humbler fellow-countrymen would be irreparably injured. Private benevolence and public bounty have been combined, and have co-operated for many years, to develope a system of national education which should really accomplish its objects, and some apprehensions may be excused at abrupt changes, the effects of which no one can confidently predict.

Our pauper schools have attracted much attention of late. The children in them are the care of the State—the objects of

its charity and subject to its control. The point of importance in these establishments is to combine in the happiest proportions physical and intellectual training. The children taught in them are the orphan class—orphans as being deprived of one or both parents by death, or (still worse) by vice or by crime—the parent being probably in custody as an offender, or hopelessly incapable of parental duty because a confirmed drunkard and outcast. These unhappy children—destitute in every sense—are to be so brought up as to enable them to earn their own living. Hence the muscles must be educated as well as the brain—the body no less than the mind; the pupils must be so trained as to be able both to pass an examination and stand an apprenticeship—to answer the questions of a school-inspector, and the demands of a reasonable employer. In the struggle of life it has been found that this class of children did not start fair. They were the heirs, many of them, of disease and debility, and their constitutions needed repairing and strengthening, and hence oftentimes they failed, as apprentices, from sheer physical inability. Muscles which have never been used lose their contractile power—limbs from whose exertions nothing has been asked, want firmness and force; and when a lad in this condition goes forth to labour, his weakness betrays itself at once. It is not that he lacks facility in mechanical operations—this is inevitable in the case of all unaccustomed to the special work; and this want is soon supplied by practice—it is that *force fails him*, the power of endurance, the capacity of work. And this defect must be the fault of our educational training. We discipline the mind with anxious assiduity, and overlook the body, by whose labours the pupil is to rise into independence and usefulness; and so the boy breaks down when the inevitable labours of agricultural or artisan life are imposed on him. Hence it has been recommended that the period given to school studies should be lessened, and the period devoted to drill, to gymnastics, and to industrial pursuits, extended. It is argued that, by this altered proportion of corporeal and mental discipline, both mind and body will be benefited; as much thought being exacted of the child as can be profitably evoked and applied at a time, and more health and strength secured for his physical frame. The experiment should be tried fairly, for the spectacle is a sad one of a well-taught and well-disposed boy failing at the very outset of life for want of muscular power and manly energy—broken down by a task which a healthy lad would have accomplished with ease; and growing weaker daily under an amount of toil which, had he been trained aright, should only have strengthened and disciplined him into vigor-

ous manhood. The great object of our pauper schools is not to turn out bright scholars, but strong and useful labourers; and to this end the whole training should be directed, and their success or failure may be properly tried and determined on this single issue.

Another point of great moment deserves brief notice in immediate connection with the schools now under consideration. It has too often happened that lads, when sent forth into the world, have at once vanished, and been no more thought of. But in this matter our district pauper schools are deserving of great commendation. In these the inmates are not only anxiously watched by the chaplain during residence, but his eye follows them when they go forth into life. They are not allowed to escape observation, or to get out of reach of those who brought them up. Advice, and encouragement, and warning, reward and rebuke are still administered. And what is the result? It is conclusively shown that where physical has been properly combined with moral and intellectual training, and the eye of the master or the chaplain followed the pupil to his place in the shop or the factory, the field or the forge, the happiest results ensued; so that whilst formerly only one in three of our pauper children obtained honest and respectable employment on leaving the school (the other two being quickly on the streets or in the gaols), now, a very small percentage only of the whole number fail to secure immediate engagements with respectable employers, and to establish for themselves an independent and reputable position. The gain of such a change as this it is impossible to calculate.

The last topic on which I ask attention is that of female education. This subject is now assuming a prominence and an importance which never attached to it before. Two excellent papers were read upon it in this Department yesterday, one by Miss Beale, and one by Miss Wolstenholme. It is contended by some persons that there is no reason why the education of girls should not be more nearly assimilated to that of boys. The argument is that as no great intellectual difference obtains, naturally and from infancy, between the two sexes, so there should be no essential distinction in their education. Their natures are the same, and their training should be the same. In reply to such reasoning, I must say that my own strong impression is that the major premiss of the argument fails. That so far from the two sexes being alike intellectually there is a striking difference, and almost contrast, between them, observable from early youth. In mental taste, mental power, mental tenacity and grasp, there is a wide

distinction ordinarily between boys and girls at 14 or 15 years old—and these differences are native and inherent, and demand a corresponding distinction in training; and that just as we instinctively shrink from putting girls into the gymnasium, or the cricket field, or the boat, so we exempt them from the severer toils of the mind—the mathematics, the higher classics, and metaphysics—and guide them rather to the more feminine and graceful pursuits of literature, of music, and of art. Grace, and tenderness, and flexibility, are the charm of the one sex; force, and firmness, and comprehensive grasp, are the aim of the other. But the subject is important and deserves discussion.

Thoughtful persons have suggested that the absolute monopoly of all public and private educational endowment by the boys is unfair. This monopoly does not seem to be the result of specific provisions in the trust deeds of foundation schools, for I am told that there is only one instance in which girls are expressly excluded from the benefit of the school, and in this instance (curiously enough) they have been admitted, so that the trustees obviously considered the rule "more honoured in the breach than in the observance." Where the deed prescribes nothing on the subject girls are rigorously excluded; where it expressly shuts them out there they are admitted. It has been well said that inasmuch as the education of a girl does not command the same pecuniary reward as that of a boy, although on moral and social grounds it is not less important, it all the more requires some public encouragement, such as some share of grammar-school endowment would supply.

Upon this question of female education we are to be favoured with the views of a very eminent native judge of India,* who will give information as to its progress and prospects in that great country. He is himself the author and munificent promoter of the scheme, whose nature and results he will describe, and none of us will listen without interest to a discourse on so novel and attractive a theme by one so well qualified to speak with authority. Without anticipating what will be said upon the subject, we may all entertain the hope that before many years are over education shall have made such progress among both sexes of the millions of our fellow-subjects in India, as that they may be raised far nearer to the level which we happily occupy, and their happiness and welfare be proportionately enhanced and made secure.

Is India then to be brought within the scope of our Association? Are our sympathies to embrace that mighty empire?

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* Mr. Manochjee Curtsetjee.

Is the field of our operations to include that wondrous territory? Placed by Providence under the same beneficent sway, are they to share our regards, and to demand our exertions like our helpless neighbours at home? Surely this is to widen the range of our sympathies, and to multiply the claims upon our attention almost beyond limit! But if the work thus grows under our hands, let us hope that our forces may be increased. Thousands stand aloof, hostile or indifferent, while the few are toiling, amid many discouragements, at the gigantic task. There is labour enough before us to exhaust the energies of a mighty army of recruits; success enough to reward us amply for all our services and sacrifices. "The yoke of philanthropy is easy, and its burden is light;" but when we look abroad on the boundless field of benevolent effort "white to the harvest," and remember our feeble ranks and scanty resources, we may be excused for an anxious appeal to the Lord of all Beneficence "that He would send forth more labourers into the harvest."

Address

BY

THE VERY REV. THE DEAN OF CHICHESTER,

ON EDUCATION.*

IN the United States of America a system of education has been adopted, the progress of which must be watched with interest by all philanthropists in Europe, whose desire it is to see equal advantages extended to all classes of society. First rate primary schools are supported by the States, to which all parents may send their children, and it is pleasant to see the children of the poorest competing with the children of the most wealthy persons of the community. It may, however, be doubted, taking human nature as it is—and it is for fallen man that we legislate—whether this system can be regarded even in North America as more than tentative. Man even under republican institutions is an aristocratic animal, and the Pharisaic principle predominates beyond the regions of theology: stand apart, I am better than thou—better in wealth, if in nothing else. There are already in America the upper ten thousand, and in New York, the site of wealth and fashion, as well as the home of commercial enterprise, private schools are established to meet the peculiar requirements, whatever they may be, of the existing though unacknowledged upper classes.

In Europe, according to the constituted order of things, in deference to which all wise legislators must act, society is divided into various classes, some of them recognised by

* The Very Rev. the Dean of Chichester had been elected President of the Education Department, and had prepared the following Address for delivery to the Association. Being unfortunately prevented by illness from attending at Sheffield, he resigned the Presidency, and Mr. Thomas Chambers was at the last moment appointed by the Council in his stead. The Council, however, felt that the members would greatly regret the loss of the Dean's address from the *Transactions*, and have therefore ordered that it be printed here after that delivered by the actual President.—Ed.

statute or common law, others arising out of circumstances, as is the case in the Great Republic; and it stands to reason that the education required for one class of persons must differ from that which is to be provided for another class. The education of a child who inherits a large fortune and a high station must differ from that which is needful to the child who has to earn his livelihood and make the fortune which he may transmit to posterity. What is the education required for the different classes of society as we find them existing in England? This is the question which our Sovereign lady Queen Victoria (or, rather, the country represented by her), is now asking through the various commissions which the Crown has of late years instituted—The Duke of Newcastle's commission relating to the humbler classes, Lord Clarendon's commission relating to the upper classes, and the commission now sitting to inquire into the state of middle-class education, under the presidency of Lord Taunton.

In England we find society arranged for the most part in five great classes, not distinct, but still distinguishable. We may regard the aristocracy as a class standing by itself. Blending with this we find the upper classes, which consist, speaking generally, of professional men, landed proprietors, the merchants—in short, of all who, having commenced life with somewhat considerable capital, have sought for their reward, honour before wealth, or, if wealth be their pursuit, have sought it as wholesale and not retail dealers. The last expression suggests the notion of the middle class, which consists of retail dealers, and of persons who, beginning life with a very small capital, become clerks in offices, or overlookers in mills, and who, while seeking to elevate themselves in the scale of society, are obliged to regard the earning of a livelihood as the primary concern. Then comes the great body of men, advancing every day in importance and power, who have proudly assumed the title of the working classes. Hard-working men in other classes have reluctantly conceded the title, as claimed unjustly when claimed as an exclusive designation; but there it is, like all aristocracies, exciting an occasional growl, which the members of the favoured class consider as a compliment. This class can at once be described as consisting of the skilled artisans.

The last class is that of the very poor, of whom I shall presently speak more at large.

It is a sign of the vigour of the British mind, and of the essential freedom of the British constitution, that at this time the general tendency is for each person to exert himself so that he may rise into the class above him. There is no

tendency to pull down; the whole struggle is to rise up. The man at the bottom of the ladder does not wish to overthrow the man at the top; his struggle is to rise himself, or to place his children on the same level as the man to whom he once looked up, and upon whom, if he remains stationary, he may ere long look down.

There is another advantage which we possess in England over most other European nations. We have nothing approaching to caste. Aristocracy is not with us a caste. The son of a shoemaker, who knows not who his grandfather was, may be the first or second peer of the realm, Archbishop of Canterbury, or Lord High Chancellor in the House of Lords.

And, besides this, we can never say where one class begins and another ends; not even as regards the aristocracy, though that is the class which is more closely defined than others. The son of a shoemaker, if he becomes a noble lord, will think that a seat in the House of Peers marks him as an aristocrat, but this will be questioned by some briefless barrister or unbeneficed clergyman, who, bearing a grand historic name, is labouring for a subsistence, but points to his grandfather or great grandfather as one who possessed ducal honours, honours which may possibly, in time to come, devolve on a branch of the family long since forgotten.

The professional man, or man in the upper classes of society, may find as his associate, his equal or his superior, some retail dealer, already in the House of Commons, with the expectation of his son finding a place in the Upper House, the middle class being thus blended with the higher, an object to be especially aimed at.

And among my brethren of the Odd Fellows, one of those great institutions where all classes meet on equality, I hear some of the office bearers, who must be men of considerable legislative ability, proudly calling themselves members of the working class, although, except for their assertions, we should rank them with the middle class.

The class of skilled artisans is continually recruited from the class below them.

But, although when classes are thus blended there must be much in common in what regards education, there must also be certain wide distinctions. A different system is required for those whose object it is to maintain what they have, from that which is requisite for those who have happily to acquire what others have inherited.

The tendency of aristocracies, as we see very frequently to be the case on the continent, is to effeminacy and self-

indulgence, and the energy of young aristocrats, on the continent, is often exhausted in their gambling propensities, which, ruining themselves, are ruinous to others and demoralising to society. I have no hesitation in saying that the aristocratic classes are maintained in their high position in England by their addiction to field sports, and to every species of manly exercise. At the public schools, as the nine schools for the education of the upper classes are called, this tendency is cultivated and matured. It is in the cricket field and on the river that this class receives its education quite as much as in the school-room. But they have this advantage, that among professional men, and among the upper classes generally, there is prevalent a conversation on subjects of literature and science, which stimulates the young mind to literary or scientific pursuits, while for those, in every class a comparatively small number, who will apply to their studies, first-rate masters are supplied. The proper test of such an education is not to be found in the number of persons who distinguish themselves as literary and scientific men, who rise to be eminent statesmen and scholars—these are persons who are independent of educational systems, and would rise to eminence even under unfavourable circumstances—but the question is whether the result of this system is not the Christian gentleman, the man who, if not literary or scientific himself, is sufficiently well-informed to assist and encourage without offensively patronising those who are, and who, made conscious of the responsibilities of wealth, labours to promote the well-being of all the classes below him. Notwithstanding some failures, I think the public schools may appeal for a proof of their success to the fact that they have produced what foreign nations admit to be a high and exalted specimen of our species—the English gentleman.

As the tendency is for the classes below to imitate the classes above them, it is of great importance to the community that this character should be educated and sustained.

Whether or not too much attention is paid to this muscular education is a fair point of discussion. I only contend for the principle. An American friend of mine was at one time deploring the fact that the boys in the United States were accustomed to become prematurely men. His words were, we have no boys. As soon as reason dawns a youth determines on the course of life by which he is to make his fortune. He soon learns to disregard whatever has not a tendency to professional education and advancement. This, of course, narrows the mind. But, he remarked, I think you in England have fallen into the opposite extreme. If I ask a boy how his schoolfellow is going on, he tells me that he is a first-rate boy,

being the best bat in the school. If I ask a father what is the best school, he tells me such or such a school, for it beat all England last year at cricket.

But, be this as it may, the kind of education to be provided for those who inherit fortunes must, as I have said, be different from that of those who have their fortunes to make. And although a large portion of the upper class, the professional men, have their fortunes to make, still they would not engage in a profession which remunerates by conferring honours rather than by money, if they were not the sons of men who have the means of supporting them, at all events, in the earlier years of their career. They, if they are industrious, have the power of acquiring the highest education—and the opportunity of self-education is all that we can supply.

To introduce any such system as that which I have described for the children of the middle class would be worse than useless. The question is one of time. The upper, or professional class, consists of persons who can afford to continue in *statu pupillari* to the age of twenty-two or twenty-three. Up to that time they receive what is called a liberal, in contradistinction to a professional, education. They are educated simply as Christian gentlemen, and, after that, at two or three and twenty years of age, they begin to narrow the mind to the professional point, whatever the profession may be, whether that of the lawyer, or of the clergyman, or of the physician, or of the statesman.

To this education the middle class, generally speaking, have not time to devote themselves. A man feels that his son must be earning his livelihood, or be put in the way of doing so, by the time he is fifteen or sixteen years of age. The question is, what is the best education to be provided for this class, *i. e.*, for the class of persons destined to earn their livelihood in retail trade; or as subordinate clerks in merchant's houses or public offices.

Having been appointed by Her Majesty to act on a commission to inquire generally into the subject of middle-class education, I cannot on that point be expected to give an opinion. I have no right to hazard an opinion until the evidence, upon which any opinion worth having must be based, has been collected and completed. Only we must remark that the education between this and the other class must be in many respects essentially different—the education which terminates at fifteen years of age, instead of twenty-three. All education consists of two parts—the preparation of the mind to receive information, and the impartation of the information required.

In the highest system of education the first is the chief

object—the ploughing of the soil, not the sowing of the seed. The information given is not extensive; but whatever it be, extreme accuracy is required, the mind must be drilled into habits of accurate thought. Hence the attention which is paid to the dead languages and to mathematics. The question here is which is best to exercise the mental faculties. For the middle class, more of information is demanded; too often this is the sole inquiry of parents—Will my son receive the information which will be of use to him in his trade? The question to be solved is how is this demand to be met, while due attention is paid to the cultivation of the soil; and on this point we are not at present competent to speak.

There is, however, one point with reference to middle-class education to which I have at other times called attention and shall now briefly revert.

I repeat what I have just asserted, and which, though a truism, is too generally lost sight of:—Whatever may be your system of education, those who will avail themselves of its advantages to the full extent will be comparatively few. But in a free country we ought, at any expense, to offer the highest advantages to all.

There cannot be a better system of secular education than that which is provided in the National Schools and the British Schools under Government inspection. But we are not to stop here. There are in these schools many lads of first-rate ability. They are obliged to leave school at an early period of life in order that they may earn their livelihood, or add their quota to the fund necessary to support the family. But some of them have energy of character sufficient to enable them to pursue the studies they have commenced, and to carry on the work of education, if books and means were provided for them. This, to a certain extent, is accomplished by the mechanics' institute; but institutes, dependent to a great extent upon the gratuitous labours of the benevolent, are always precarious, and can seldom be adequate to meet the demand.

It is certainly possible, and I think it desirable, that something like the English university system should be adopted in our large towns.

A Government institute should be formed, grafted, it might be, on the mechanics' institute, at which professors should preside, with salaries sufficiently high to induce men of the highest ability to undertake the office. The lectures might be given gratuitously and classes formed, and an extensive library for reference and use established.

At the different schools, the national and other schools, and the private boarding-schools also, corresponding to the colleges

at an English university, the primary education might be afforded, including religious instruction, these schools being denominational, and from these schools young men might be sent to avail themselves of the higher advantages found at that which becomes rather the university than the school.

It is the boast of our country that the highest offices in the state and in society are open to all classes of the community, but this boast has reference rather to the second than to the existing generation; it is not a reality unless, in some such way as that which is now suggested, you permit genius, under adverse circumstances, and in humble life, to educate itself. To this end nothing can be better devised than our National School system, with its trained and certificated masters, and its Government inspection.

This system of instruction will, however, be of advantage to whom? To those young persons, and to those exclusively, who have received antecedently, or are receiving concurrently, a good education, not merely in the school-room, but chiefly in their homes.

Where there are wise and industrious parents, and where there are diligent and ambitious children, our system of instruction, as at present in operation, may be pronounced as above all praise. Managers of schools, now advanced in years, in the great manufacturing districts especially, can tell you of friends, their equals, sometimes their superiors, in social position, whom they remember, some thirty or forty years ago, children in their charity schools. With admiration, sympathy, and pleasure they can point to magistrates and members of the legislature, to men of fortune, and, what is superior to all these, to men of literature and science, who, justly proud of their success in life, become the benefactors of those schools which placed them on the first step of that ladder by which they have ascended to eminence. These, doubtless, are exceptions, splendid and few; but, without dwelling upon these, we may refer to another class. There are not a few who, without sufficient mental energy or power to achieve such greatness as this, have, nevertheless, availed themselves of the advantages placed within their reach to pass from the humble cottage of their labouring parents to take their place in the middle classes of society, as school-masters or school-mistresses, or as employed in the office of the merchant, or in the public service of the country. Nevertheless, though this is a much more numerous, it is still an exceptional class. The clergyman of a parish is well pleased when he finds his school under an intelligent master, in proper discipline, and prepared to respond correctly as he proceeds to the performance of his

pleasant and important duty as a catechist, either in the church or in the school-room. He and his master are rewarded and encouraged for all their trouble and painstaking, when of the school the inspector is able to make a favourable report. The reading, the writing, the spelling, the arithmetic, the English grammar, the Scripture history, the geography, all are such as to deserve the approbation of the inspector, who may also report favourably of the progress made in vocal music, and in that most important subject to an Englishman—next only in importance to Scriptural instruction—the history of his native land.

But while our satisfaction is great when we contemplate this state of things, we must still remember that there must always be a considerable number of young persons who can neither be compelled nor allured into studious habits, whose disposition is to the active pursuits of life, who may have a turn for mechanics, and might be converted into skilled artisans, who, having a turn for agricultural pursuits, would make admirable farmers' servants.

And what are we doing for these? for these who are among the most useful members of society. Literally nothing. On the contrary, when the parent, requiring the services of his child to add by his industry to the weekly pittance, scarcely sufficient to find bread for the household, takes his child at an early age from school, he is censured for his selfishness. Surely he may fairly retort upon them who blame him—what advantage will accrue from the kind of instruction you propose to give him, to the child destined through the circumstances of his birth to follow the plough, or to assist his father in his workshop or in his trade?

If we really wish to instruct these children as they ought to be instructed, we should, for every group of National or British Schools, provide a workshop to be conducted by skilled artisans—a parochial workshop where children might receive instruction in any trade for which they might evince a liking or an aptitude. Such a workshop might be supported by a combination among the managers of every class of school within a given locality, and to a workshop open to every class of school the State might be required to give its full support.

Already, in schools for the instruction of girls, an approximation to this system has, in many cases, commenced, but only an approximation. It is not sufficient that a female scholar should become a good sempstress—for, although a proper attention to the apparel of a household is needful to the mother of a family, this, after all, is only one department of housewifery.

Most important it is to the best interests of society, that the

female portion of the community should be instructed in the science of economics—in the art of making a little money, by its judicious expenditure, go a great way ; in the art of making the most homely food palatable ; in the art of cleanliness ; in all those little arts, in short, which, when brought under the influence of religion, conduce to the formation of a happy home—a happy home being, as it were, a very porch to Heaven itself. And this is the more important, under our present view of the subject, because it is not, as we have said, at the school, but in the home, that the real work of education goes on. We do not depreciate that element of education which the school, through its discipline, affords. Something is done when regular habits are formed, and when the child is made to learn obedience. But when we proceed from the schoolroom to the parent's house, we soon see why, with a few exceptions, some of the children are what we wish them to be, while others remain incorrigible—unamenable to threats or encouragements, to punishments or rewards, to entreaties or admonitions.

The good children, as a rule, come from the good and well-ordered homes, where the example of the parents illustrates the instructions of the schoolroom. How often, when we find a boy incorrigible at school, do we, on following him to his home, discover, if we knew it not before, that he is under the vitiating education of a drunken father, and of a mother driven by despair to slatternly habits, and, in the general disturbance of her moral nature, permitting undue indulgence to her child at one time, to be followed by unreasonable and uncontrollable bursts of temper at another time.

And now what are we doing to rescue the children of vicious parents from this vicious education ? How can we hug up ourselves in the thought that we are doing our duty as educators, when we only teach the children of such parents as these to read, to write, to spell ; even when we tell them of the great and good God—how is the instruction nullified, when at home that name is only employed to give emphasis to an oath !

But this is by no means the worst state of the case. In this very vicinity, perhaps even in this very parish, the clergy could lead you into lanes, courts, alleys, whole streets, where children innumerable are actually and avowedly nurtured in vice, trained to confound vice and virtue, educated to violate every law of God and man, and who, for that violation, are rewarded and praised.

The outlaws in former times were wont to congregate in the woods and the wilds, the forests and the caves, of the earth, whence they issued to commit their depredations upon society.

They are now to be found in the back lanes, the dark alleys,

the obscure overcrowded courts of all our large towns, including the metropolis. Their ways of thought and their habits are partially known, for, wisely distinguishing the clergy and the district visitors from the police, as they look upon the latter as their natural enemies, whom it is lawful to attack, if they can do so with impunity, so these wild profligates regard the former as friends to help them in time of need. They may regard them as weak enthusiasts, but still they hear them with a certain amount of confidence. Such people look upon society as their lawful prey, the police as their enemy ; and no amount of fraud or violence do they think it unfair to adopt towards them. But they are often persons of kindly feelings, even sentimental, and peculiarly susceptible of kindness. I speak from experience. They live by begging and by theft, they think it their profession or trade, and their children they instruct first to beg and then to steal. Ideas of virtue and of vice become so confounded in the minds of these poor children, that, like the Lacedæmonians of old, they regard successful robbery as a virtuous action, feelings of disgrace being attached only to detection. The bolder natures often find in defying and escaping the police a pleasurable excitement; and children of not more than eight or nine years of age may sometimes be seen bending under the weight of stolen goods. Rooms are well-known where those stolen goods are purchased, and the young thieves are not only praised and rewarded, but are sometimes paid by draughts of spirituous liquors, under the influence of which they stagger home, if a home they may be said to have, where it is not impossible that they may find an inebriated and unmarried mother engaged in one of those street fights where women are only too often the combatants.

There is no exaggeration here; it is a sad reality which might be witnessed by any one who would take the trouble to investigate the case.

This is the education at this time received by innumerable English children. They are educated to lie, to steal, to drink, to carry on a continuous warfare against the laws of their country ; their passions are never controlled, and often inflamed by stimulants; they are ever ready for any amount of violence to which, by the designing, they may be invited.

Ought this state of things to exist in a land still calling itself Christian? Ought it to be tolerated in any land where men have hearts to feel and souls capable of sympathy and pity? Ought we to tolerate such an education as this, without making a vigorous effort (no effort is at present made) to remedy the evil?

Of all the pitiable sights which cause a Christian heart to

bleed, what sight can be so pitiable as that of a poor little, friendless, helpless, half-starved, almost naked child of profligate parents, in their profligacy tyrannical and cruel? At such a sight as this, the sad and penitent Christian will indeed smite upon his breast and say with David, "Lo, I have sinned; with all my many advantages and blessings I have done wickedly; but these lambs, what have they done?"

Would to God that this question, thus asked, might compel men to devise a remedy, and to divert from the country the curse which must result from such an education as this.

The heathen philosopher reasoned thus:—The welfare of the country depends upon the right education of the children who are to become her citizens. To secure that education children shall be taken from their parents, whether the parents be willing to part with them or not, and shall be educated at the public expense.

"Not only the boy who comes to school at the will of his father, but he, too, who neglects his education from the fault of his father, as the saying is, every man and boy must be compelled to learn according to his ability, as they belong to the State rather than their parents." *

This was, no doubt, taking an extreme view of the case, and an iniquitous unnatural proceeding it would be to interfere between the righteous parent and the child; but still there is a substratum of truth. The State has a right to interpose in the child's name, when the parent withholds from his child what the child has a right, through the common claims of nature, to demand.

Is not every English child an inheritor of British rights? Is a British babe born in slavery—born to be the slave of a godless tyrannical parent? Has he not a right to some portion of the nation's wealth? Has not the poor little, helpless, innocent child a right to say, if he could find an advocate—if some other Henry Brougham should arise to complete the work, overcoming the difficulties which we have met to surmount, which our noble president so nobly commenced—"I demand of my country a good education." Have not the poor little creatures a right to say, if it were worth anyone's while to plead their cause, when their parents are besotted in the spirit shop, "Feed me, clothe me, rescue me from destruction, train me to love my country, whose laws my parents teach me to violate and to hate. Oh! save my soul alive by bringing me to that Saviour through whom alone your own salvation is effected. Oh! suffer, suffer little children to

* Plato, Leg. vii., 11.

come to Christ; suffer them to come whom by your social regulations you now repel!"

The establishment of industrial schools in our large towns is a movement in the right direction. There the fatherless and the pauper children are educated, in many places kindly educated, I bear testimony, almost affectionately educated; they are boarded, lodged, and clothed, instructed in some trade, and sent forth as citizens a blessing to their country, and as Christians prepared to serve the Lord.

Why not extend the system further? Why not claim for the country every child who is found begging in the streets? Why not insist on every parent who neglects his duty to a poor little innocent child, yielding up that little one to the country? Why not insist upon the country's duty to educate her citizens; the duty of the Church to bring them up in the nurture and admonition of the Lord?

The political economist here interposes. If we were to undertake the education of all children whose education is neglected, or conducted iniquitously by the parents, if we were to feed them, clothe them, teach them, at the public expense, we should only give encouragement to neglect and vice; no parent immersed in vice would care for his child, and the increase of the population would become an overwhelming evil. The same objections might be urged which have been urged against such institutions as the Foundling Hospital.

We would not for a moment countenance the vulgar outcry which ignorance is sometimes heard to raise against the science of political economy; on the contrary, we would invoke its aid. They who, to become the legislators of a free country, study the science of political economy, are, in virtue of their vocation, bound to devise the means of accomplishing the greatest possible amount of good, while, at the same time, they guard against the evil consequences which in greater or less degree must always dog the steps of human actions.

We admit the many difficulties which present themselves—we would state them to their full extent—

"Benefacta male locata, malefacta arbitror."

But where is the use of political science, if it does not find a remedy for a great, a crying evil—evil which, if unremedied, will rebound to the destruction of society? Surely the very object of this National Association for the Promotion of Social Science is to discover—to make the grand discovery of a measure by which, without detriment to society at large, the

rights, I say, the rights not yet acknowledged, of babes and infants may be sustained.

We talk of the rights of men, the rights of women, let us clamour for the rights of babes. A nation cannot, I repeat it again and yet again, be justified in saying to a poor little helpless child—"You have been cursed with a profligate father, you have been cursed with an unnatural mother, you have been cursed by dissolute companions; under a special curse you were born, and by our neglect, by our carelessness, by our selfishness, by our want of consideration of your rights and claims, under a curse you shall remain. We cannot or will not help you. We will not teach you to distinguish between right and wrong. We will not habituate you to love your neighbour and your God; but when you do wrong we will imprison you, we will scourge you, we will subject you to hard labour and penal servitude; or, peradventure, we may suspend you between heaven and earth, and cause you to die the felon's death."

Address

BY

EDWIN LANKESTER, M.D., F.R.S.

ON HEALTH.

SUDDENLY called upon to fulfil the important duties of President of the Public Health Department of the Association, I do not feel myself at all prepared to do justice to the subjects on which I am this morning expected to discourse. At the same time, I am so fully impressed with the value of the contributions made to our *Transactions* from year to year, by the addresses of the Presidents of our Departments, that I should be sorry to set the example of declining a duty, however unworthily I may perform it, that would lead to the imperfect fulfilment of this part of our annual proceedings. In doing this, I feel that I must rather bring before you the general principles of the various branches of science on which our Department of the Association is founded, than dwell upon details which would have required a larger amount of time and leisure than I have had at my disposal, to collect and arrange.

In the minds of those who attend the meetings of this Association from year to year, there can be little doubt that the inquiries embraced by the Departments of this Association, are as much based upon scientific principles, and are as amenable to law, as any of those more generally admitted branches of science cultivated by the British Association for the Advancement of Science. It has, however, been the fashion of those who cultivate the natural sciences, to declaim against Social Science, as though it pursued its investigations in a different spirit, or had less satisfactory methods of inquiry. It is very certain, that if our laws, our education, our health and trade, had no better foundations for their existence than the prejudices and opinions of mankind, there could be no more

ignoble and uninteresting work, than for men to meet together and babble about them. But, if I understand this Association rightly, it has been established for the purpose of showing to the world that there is a science of society; that just as we can inquire into the functions of a plant, and discover the laws of its existence, so that we can predict with certainty what will occur to it under certain known conditions; so, with regard to man, even in his most complicated relations, we may hope to discern the laws of his being, and, by predicting what must happen under certain conditions of his existence, constitute the science of society. Nor is this a new idea. The thought that even the complicated phenomena of human life might be reduced to law, was present to the mind of the great thinkers of ancient Greece. Lord Bacon saw that the rational method of inquiring into the properties and laws of natural objects did not terminate with the body of man, but applied to the results of the reaction of his thought and feeling on the external world. The great French philosopher Comte (mistaken, as most English writers believe him to be, on so many points of science and philosophy) was the first to define the limits of Social Science, to give it a name, and place it in a classification of the natural sciences.* But, above all men, we in England are indebted to that great political philosopher and acute logician, John Stuart Mill, for clearing away all difficulties, and, with a philosophical insight and comprehensiveness of thought unrivalled in our day, showing that the science of society could be placed on the same scientific basis as astronomy, chemistry, or physiology. To almost any other mind, the possibility of the reduction of the chaos of facts presented by that wonderful mass of phenomena exhibited in the history and social conditions of man upon the earth, to anything like law and scientific prediction, would have presented insuperable difficulties; but he has shown the way, and it is the function of the Social Science Association to follow in the path that he and his disciples have opened to us.

Fortunately for society, its main facts rest on the branches of science presenting less complicated phenomena than itself, so that as these sciences advance it also is advanced. Let me give an illustration. There is Oersted, holding his magnetic needle on the galvanic current. He is studying the relations of those great forces, magnetism and galvanism. He discovers the laws of that relation. In the hands of others this law is imported into the transactions between men. It becomes the

* Auguste Comte's "Philosophie Positif." Paris, 1830.

Electric Telegraph, and affects the relation of man to man through all time. Our own Department deals with human life —the relation of the laws of life to what we call health and disease. There is no practical hygiene unless we understand the laws of health and the causes of disease. We know not the laws of health but as physiology advances. Physiology is again dependent on the advances of chemistry. The phenomena of chemistry have been understood by the light of the facts borrowed from the sciences of heat and electricity, whilst all its precision has been given to it by the aid of mathematics.

The sciences are bound together by indissoluble links. Man separates them through his feebleness and for his convenience, but there is reason to believe that underlying all the facts and phenomena of the external world, there is one great force, one primal mover, out of which, with unvarying precision, the great phenomena of the universe proceed. Recent researches have shown that heat itself is but a mode of motion, that heat at certain temperatures becomes light. Light, in its turn, as we see in the photographic art, becomes the source of chemical change. Chemical force becomes galvanism; galvanism is converted into magnetism. Motion generates electricity. Galvanism and magnetism produce heat, light, electricity, motion.* This correlation of physical forces is regarded by some philosophers as complete, while others have gone yet a step further. It is but as the heat and light of the sun are poured down upon the earth that plants live. The rays of the sun become more direct, the heat and the light become chemical force in the plant, and now in its secret cells fresh energy is felt, and all the phenomena of plant life are manifest. The rays are now withdrawn, the heat and life diminish, chemical change ceases, the plant life grows sluggish. Some plants die, the majority drop their leaves, and our winter is characterised by a dormant vegetation.† Here we have a correlation of physical and vital forces, but the correlation does not stop here. During the life of the plant there has been deposited sugar, and starch, and gluten, in its roots, its stem, its leaves and seeds. These are the food of animals. Withdraw this food and they die. The chemistry of the sun has formed the starch, the sugar, and the gluten. This chemistry is undone in the animal; it becomes heat—animal heat; it becomes motion—muscular force in the muscles, and in the nervous system, that most

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* Grove on the "Correlation of Physical Forces."
† Draper on the "Chemistry of Plants."

refined of all motions, nerve force, by which the spirit of man becomes cognisant of sensations, accumulates ideas, reasons, and becomes an intelligent, conscious, and responsible being.

It is here, I think, that we get a glimpse of a real connection of the sciences; of a dependence of one upon the other; and of such a connection between the most recondite and practical departments of Social Science, and the most elementary inquiries of the physical philosopher, as clearly demonstrates the claim of this Association to the position of a scientific body, and points the road it must follow, in order to achieve for man the highest triumphs of his intellect in unravelling the deepest secrets of his existence.

But now let us inquire what is the position that the Department of Public Health should take amongst the branches of Social Science. At first sight, it is very evident that there is no sharply defined line between our various departments, and that each contemplates facts and principles which are, more or less, common to all. At the same time, our consciousness of health and sickness is one of the most common facts of our existence, and we have no record of communities of men who are not cognisant of disease as opposed to health, and who do not employ some measures, whether efficacious or not, for the prevention of disease. Our Department, then, contemplates the laws of health and disease, with the object of applying that knowledge to the prevention of the latter.

Herein hygeine differs from medicine—the first prevents, the latter cures. Or, if you like to enlarge the meaning of the term medicine, our Department may be otherwise called that of preventive medicine. Our inquiries, then, must be more particularly carried on by the aid of the science of physiology, which contemplates the laws of life; and, in as far as physiology is connected with the sciences of chemistry, and the various branches of experimental and physical science, we must call them to our aid.

Our object being the discovery of the causes of disease and death, and the means of so averting and altering these causes as to prevent these calamities, it becomes essential to us that we should classify our facts, so as to present them in a simple and comprehensible form. Now the great factors of our life are air, water, food, and heat. To one or other of the relations of these agents to our life can we refer all the varied questions with which we have to deal.

There is no animal existence without air. The humblest monad needs for its existence a supply of oxygen gas. It moves and lives but as that oxygen produces chemical changes in its interior. The law is universal. Man is but an aggre-

gation of monads. Each busy cell, of which his body is composed, contributes to the aggregate of his life, only as it is acted upon by the oxygen of the air. This fact lies at the foundation of a hundred branches of our inquiry. It is the necessity for this oxygenation of our tissues that gives all the importance to our inquiries into the ventilation of houses and workshops, of cowsheds and stables—in fact, of any place where living breathing beings are enclosed. It is this fact which lies at the foundation of all our anxiety about the overcrowding of our dwelling-houses, factories, and shops. By the aid of this great primal fact, we explain the unnecessary disease and death from scrofula and consumption; and by rendering it more and more a first principle of human action, we hope to save the lives of thousands of our fellow-creatures. These inquiries result from the one single fact that man requires oxygen, which he obtains from the air. But the air in which he lives not only supplies him with oxygen, but it is the great repository of all that is exhaled from the earth, and it comes to him and to the lower animals, burdened—alas! too often fatally burdened—with poisons; chemical agents that, swiftly coursing through his blood, work their destructive action on his frame, and either damage the functions of his life or destroy his existence altogether. All the great questions that gather round us of epidemic or endemic, miasmatic and contagious diseases, will find their appropriate place in our inquiries into the nature of impure and poisoned air.

Water is another factor of organic life. Without water no chemical change can take place in a living body. A large number of animals have their existence determined by water. Water enters into the composition of all organic beings. A man weighing 154 pounds contains 111 pounds of water in his tissues.* The oxygen that vitalises his tissues is conveyed by water. The starch, the fat, the protein, necessary to the existence of animals, are all digested, absorbed, and conveyed to the tissues by water. These substances, through whose chemical change life is possible, are decomposed in the presence of water, and the products of this decomposition are carried off by the agency of water. All the higher animals drink water for this very purpose, and the adult human being, on an average, in one form or another, drinks from 70 to 80 ounces of water a day. Water is the most potent of chemical agents; its solvent powers are equal to aqua fortis or oil of vitriol, and it associates itself in nature with a vast variety of compounds with which it comes in contact. It dissolves both organic

* "Guide to Food Museum, South Kensington."

and inorganic matters; hence it may become so contaminated as to be unfitted for the purposes of life. From the inorganic world it may take up the salts of lime, iron, lead, and other compounds, in such quantities that when taken into the human body it is not only unfit for healthy life, but it may become the source of immediate disease or death. Like the air, it may become the medium of introducing those definite organic poisons, which, kindling similar poisons in the living system, are at once the source of disease to others and the death of the individual suffering from their action. Hence our inquiries embrace the means of supplying to every individual a sufficient quantity of pure water for his healthy existence.

But water has other than this fundamental relation to the life of man. Man is a washing, cooking, and manufacturing animal, and wherever water is used in these relations so as to affect his health, the question raised is one that belongs to the Department of Public Health.

As the animal organism cannot live in air and water, but requires varied compounds of carbon, oxygen, hydrogen, and nitrogen for its existence, the whole question of the relation of the compounds of these elements used as food, becomes the subject of our inquiries. Here our researches are based especially on chemical facts, and we must take for our guides Mülder and Liebig, and the great school of chemical physiologists. The freshest air and the purest water will be no protection from disease and death unless the human system is supplied in its food with the elements necessary for the play of those chemical forces which result in life. Not only must there be food supplying the materials of combustion and nutrition, but each tissue is built up and constituted in its own peculiar way. The blood must be supplied with chloride of sodium and iron; the bones with phosphate, carbonate, and fluate of lime, the muscles with potash, the bile with sulphur, the saliva with cyanogen, the teeth, hair, and nails with silica. A diet deficient in any of these materials may be the source of disease. Our navy was formerly decimated for want of fresh vegetables. Our army was starved on an excessive diet of salt beef. Our children die if fed alone on arrowroot and corn-flour. Those who inhale abundance of fresh air, and have access to infinite stores of pure water, nevertheless fall easy victims to diseases which result from the redundance or deficiency of the compounds which in natural quantities constitute the source of their daily life. The inquiry as to what constitutes the best food for man in all the various conditions of his life is one yet in its infancy, and it is perhaps a question

as to whether the entire ignorance of a great portion of the community on this point is a greater evil than the arrogance with which pseudo-scientific teachers pretend to instruct the public as to what they should "eat, drink, and avoid." In the absence of all consciousness that he knows, man, like the lower animals, is guided by an instinct which is sufficient to preserve and increase his race; but with knowledge comes this danger (which in all cases must be risked), the danger of hasty generalisation. In this frail bark how many of our race have perished before gaining a firm footing on the truths of well-established science! This is the reproach which the student must patiently bear from the crowd whilst he is seeking some higher guide than that which they possess in common with the brutes that perish.

Nor ought we to forget in our Department, as a question of food, the remarkable tendency of man to partake of nervous stimulants. The extent to which substances may be taken with impunity that address the nervous system, is a question that is occupying the attention of some of our most distinguished physiologists,* and whilst at the present moment science cannot be said to have pronounced on the question, there is no doubt of the fact, that one of the most terrible scourges of the human race is the tendency to indulge to excess in drinking alcoholic beverages. The vices of tobacco smoking, chewing, and snuffing, with opium and hemp eating, exert but little evil as compared with the terrible vice of drunkenness. There are many here who will feel that the interdiction of these beverages is not the sound conclusion of Social Science; but all must acknowledge, in a scientific point of view, the value of the large body of facts which have been presented us by total abstainers from alcohol, who have thus demonstrated that the consumption of these fermented liquors is not necessary for the maintenance of health or strength.†

Air, water, and food, are necessary to the naked savage. Not in this climate could civilisation advance, without provision for the artificial maintenance of heat. At the temperature of 32°, water becomes solid, and is no longer capable of maintaining life. In those regions of the world where the temperature never rises above this, there is no life. At much higher temperatures, only plants and animals of the lowest types and feeblest vital powers exist. It is not till we ascend the animal scale, and arrive at birds and mammalia, that we find animals constructed to maintain their own temperature, and

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* Anstie on "Stimulants and Narcotics."
† Lankester, "Lectures on Food."

thus become independent of external sources of heat. This animal heat is maintained by the combination of the carbon of the food in contact with oxygen, and animals living in low temperatures maintain their heat by large supplies of food. Their whole existence is absorbed in seeking food to maintain their heat, against the cooling influence of the external atmosphere. Withhold food, and they perish. So with man; unclothed he barely exists; but he clothes himself with skins, and builds himself a hut. He economises his heat, he consumes less food, his skins are changed for cotton, linen, and fibrous fabrics; his huts for houses, mansions, and palaces; and in this relation of his vital functions to that mode of motion we call heat, we see one of the great causes of his civilisation. No questions that can come before our Department can have a higher or more commanding interest, than this one of heat. Look at the thermometer on your garden wall at this season of the year. Night after night it gets lower, and as it falls degree after degree, the rates of mortality rise. A cold day in winter is the death-knell of thousands. We know this. It is a law. Can we not avert this disaster? Must our intelligence be brought up at this point, and man be told that although he has, by clothing, and warming his dwelling-place, successfully resisted the cold that must have made him a savage, he can go no farther? I do not believe it. Here is a great question for us to discuss and look into—how we can best save the life which is every year destroyed in our climate by cold.*

But high temperature has its perils, though not perhaps so great as low. Diarrhœa, in the summer of our country, is the representative of the chest affections of the winter; and, I believe, is more under the control of the application of known laws for its removal, than the latter diseases. We must then study the laws of heat in relation to the life of man, in order to be able so to construct and warm our houses, and arrange our clothing, as to secure immunity from temperatures destructive of health and life.

I might have prolonged this sketch of the fundamental principles and objects of the Department of Public Health; but I am anxious to dwell a little more at length on some occurrences which, at the present moment, have assumed a gravity that, in point of interest, throws a shade over all other questions. I allude to the presence of cholera on the continent of Europe, and to the extensive prevalence of the Siberian cattle plague in England. In anticipation of the one plague, and in the actual

* Richardson on "Waves of Heat and Death."—*Popular Science Review*, 1865.

presence of the other, there is enough to excite the keenest interest of the most apathetic, and to induce the most anxious inquiries as to the causes of these diseases, and the best means of arresting their progress.

I will not now attempt to settle the question whether these diseases are contagious or not; whether they arise from a special poison which is propagated in one body and is conveyed to another, or whether there are certain general conditions of external agents which engender poisons capable of spontaneously producing them. I need but thus generally refer to the fact of a difference of opinion, to remind you that amongst our sanitary reformers there are two great schools, one of which maintains that the great mass of zymotic diseases are produced by special poisons, and are called contagionists, whilst another school do not believe in the existence of special poisons, but believe that certain general conditions of sanitary neglect and dirt are alone necessary to produce the group of zymotic diseases—and they are called anti-contagionists. Now, I believe that the extreme views of either school are wrong, and I have a very deep impression that for sanitary measures to be directed by one or other party in the present state of our knowledge of the diseases would be to plunge us into evils as great as those of quiet submission to their unresisted influence. For an officer of health to suppose that cleansing, and draining, and washing, would arrest the progress of small-pox in a house full of unvaccinated persons would be an utter absurdity; whilst the placing a cordon around an ill-ventilated and badly warmed house, expecting to keep off bronchitis and pneumonia, whilst the temperature is 12° below freezing point, would be equally absurd. But whilst all are agreed that small-pox is a contagious disease and bronchitis is not, there is a large class of diseases on which sanitary authorities differ as to their nature, and the best modes of arresting their development. It is on this account that I now propose briefly to examine what is really known of the nature of contagious diseases and their mode of propagation; and if I succeed in nothing further, I hope I shall be able to show you that it is of the utmost importance in all our sanitary operations that we should at least consider the issues of both theories; that whilst believing in contagion, we should act as if all depended on the removal of the general external agencies of disease; or whilst believing in the spontaneous origin of diseases in dirt, we should yet do all to avert the possibility of their propagation by contagion. It is of the highest importance, at the same time, that we should pursue the inquiry into the origin and nature of those zymotic or miasmatic diseases which carry off annually upwards of 100,000 of our population.

In order to do this, I think there are three circumstances that demand our attention. There is, first, the poison that is supposed to kindle the disease; and secondly, there is this medium that conveys it to, thirdly, the person predisposed to take the disease. If we lose sight of any one of these elements in investigating zymotic diseases, we shall most assuredly get wrong, and practically commit great mistakes. Thus, let me take small-pox as an example. In order to propagate this disease, there must be, first, the poison matter from a small-pox pustule; and secondly, a medium of conveyance, either the point of a lancet, or an atmosphere to convey the poisonous germs; and thirdly, there must be a person predisposed to take it. If the poison is not there, no amount of predisposition, that we are aware of, will engender the disease. Again, if the poison is there, and the predisposed person, there must be a medium of conveyance; if a predisposed individual is one side of a bed, and the affected individual in bed, and the current of the atmosphere blows from the unaffected to the affected individual, no poison will pass and no disease be established. Or again, the atmosphere may be so extensive as to dilute the poison to a tenuity by which it becomes powerless; or the atmosphere may be artificially ozonised, or iodised, or chlorinised so as to destroy the germs of the poison. But let the poison be ever so intense, and the medium ever so ready to convey it, if the unaffected individual has had the small-pox or been vaccinated, no disease will be produced. Hence, we must study the poison-makers, the poison-bearers, and the poison-takers.

Now, with regard to poisons, even the anti-contagionists admit that in what they call miasmatic diseases conglomerations of dirt and filth, or matters in their wrong places, do get into the system, and, at one time or another, do upset and damage the healthy working of the machinery; and they ought to state in a scientific way what compounds are produced by dirt, and in precisely what way they affect the system. There can be no doubt that certain inorganic agencies, such as carbonic acid, sulphuretted, phosphuretted, and carburetted hydrogens, ammonia, and sulpho-cyanogen do produce injurious effects upon the system. Continued exposure to such exhalations may prevent a proper oxidation of the tissues, and render it predisposed to take in the diseases of special poisons, but we have no evidence to show that any of these agents—although they will destroy life—are capable of producing alone any of the forms of miasmatic disease.

Again, it seems demonstrated that there arise, during the decomposition of vegetable and animal matters, certain organic molecules which, being taken into the system, will produce

certain definite changes in the system constituting well-known forms of disease. Thus, ague and kindred fevers, called paludal and paroxysmal fevers, do not seem to be produced by poisons formed in the animal system, but by poisons formed during the decomposition of vegetable matter. A certain amount, also, of the diarrhœa of summer is to be set down to the decomposition of animal and vegetable matters. Certain quantities of these matters are directly taken into the stomach and bowels, whilst others appear to come in contact with the mucous surfaces by inhalation. There is, also, one of the endemic and epidemic fevers of our country that is supposed by high sanitary and medical authorities * to originate in the spontaneous decomposition of organic matters in drains and sewers, hence it has been called "drain-fever." It is, however, generally better known by the name of gastric or typhoid fever. That this disease is generated by a specific poison has been demonstrated by Dr. William Budd of Bristol,† and, should it be capable of demonstration that this disease is really generated *de novo* by the matter of drains and sewers, it would be an interesting fact, as showing the possibility of a contagious disease being produced afresh. But, up to the present time, we have no conclusive experiment with regard to the origin of any of the specific contagious diseases. There is no error, perhaps, of more vital importance to the public health than that which was fallen into by some of our early sanitary reformers—a belief in the spontaneous origin of the several forms of diseases produced by specific contagions. The most common forms of contagious diseases in this country are small-pox, scarlet fever, measles, whooping-cough, typhus fever, typhoid-fever, and our occasional visitant—Asiatic cholera.

Of the intricate nature of the poisons producing these diseases we know but little; but recent researches with the microscope, ‡ lead us to hope that we are not far distant from the time when, at least, the form of the poisons of these diseases will be made visible to the human eye. It is a fact known to all, that the blood contains two sorts of cells or globules, one red, the other white. The white cells are composed of matter in a state of vital change. It is these cells which accumulate in inflamed parts, and which form the pus found in vesicles, pustules, abscesses, and inflamed surfaces of the body. These pus cells have a great power of multiplication, and they retain their vitality after they have been removed from the living

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* *See* "Murchison on Fevers."
† *See Lancet* and *British Medical Journal.*
‡ *See* "Lecture on Inflammation," in *Medical Times and Gazette*, by Dr. Beale.

body. We can convey common pus cells from one living body to another, and make them increase. There is a disease of the eye attended with a large formation of these pus cells, and these may be conveyed through the air from one person's eye to that of another, and produce the same disease. In the disease known as pyæmia these cells assume a specific character; and Dr. Richardson informs me that he has succeeded in producing, artificially, pyæmia in animals by introducing the secretions of an animal affected with pyæmia into one that is not. In small-pox we have a disease characterised by pustules over the body. Each pustule contains a secretion abounding with pus cells, and the matter with which they are formed. It is the introduction of this purulent matter into the blood, that sets up the dreadful malady of small-pox. In the same way we find the vesicle of cow-pox charged with white cells, and the "germinal matter" of Dr. Beale. The germinal matter here, however, does not possess the vitality and energy of that of the small-pox pustule. It is seldom conveyed through the air; like some other animal poisons with which we are acquainted, it requires contact; but, on being introduced into the blood of another person, it produces the same disease—always the same disease, never another. We may learn much of the nature of these poison-cells by the study of those we know so well. These cells, or germinal elements, retain their vitality long after they have been removed from the body, if you exclude them from the air. The vaccine lymph has been conveyed between pieces of glass, or dried on tips of bone or threads of linen and cotton, all over the globe, and has been found capable of engendering the disease cow-pox. This shows us how all these poisons may be covered over in linen, cotton, and woollen fabrics, how they can be conveyed in letters and newspapers, how they may adhere to inanimate substances of all kinds, and only need the awakening influence of a little moisture to summon them to awake and live anew.

No one, that I am aware, has yet isolated the poison of scarlet fever, of measles, of typhus, of cholera, and of the other diseases of the group of contagious diseases; but, reasoning from analogy, and there could hardly be a better instance of the process, we are driven to the conclusion that these diseases depend on a cause similar to that of small-pox, and that the real form of the poison is the changed white cell of the blood. It is, however, interesting to notice some varieties in the habits of these poisons. Thus, we are not aware that the poisons of small-pox, measles, scarlet fever, or typhus, are conveyed by any means but through air; whilst there is every reason to believe that the poisons of typhoid fever and cholera are con-

veyed by the agency of water. There is an interesting relation between this fact and the seat of the disease, for, whilst one set of diseases manifest themselves by eruptions upon the skin, the other set is characterised by derangements of the mucous membrane of the intestines.

A question of high interest arises here, and it is one that has not at present been settled, and that is, as to whether the poison matter of these diseases is capable of multiplying itself by cell-division out of the body. It does not seem impossible that this should be the case, although at present we have no demonstration of the fact. We know that such multiplication takes place among the lower forms of plants, as the yeast, or ferment-fungus, (*Saccharomyces Cerevisiæ,*) and that it also occurs amongst the vibrios and monads in the animal kingdom.

Another interesting question, connected with these poisons, is the possibility of transformation or development. In the animal kingdom we have this phenomenon taking place, that an animal passing from its egg to its adult stage is capable at each stage of multiplying itself, so that a number of creatures are produced at each period of its growth, capable of attaining, under proper external circumstances, the adult form. Now it may be, that amongst these cell-poisons, there are stages of development at each of which the cell is capable of propagating its own form and no other, till it meets with the proper external circumstances for a further change or development. Professor Huxley relates that on board the "Rattlesnake," after they had been six weeks at sea, the cook got an attack of erysipelas; this spread through the ship and ceased. After this, one of the sailors had mumps, and this also spread through the ship. There are other interesting facts bearing on this point, but I throw out these hints here as subjects full of practical importance to the sanitarian.*

Let me now say a few words with regard to the means of conveyance of poisons. The most obvious of these means are the atmosphere and water. The air to carry most poisons must be warm and moist. The poison of yellow fever spreads in hot climates; the poison of typhus is arrested by heat on the one side and cold on the other. It prevails, in fact, only in climates having a range of temperature between 40° and 62° Fahrenheit. At the temperature of boiling water all these poisons are destroyed. A most important fact, as we have in every household in Europe the means of destroying them.

But there are other means of conveyance besides air and water. Articles of food, articles of wearing apparel, bedclothes,

* Paget's "Lectures on Surgery."

curtains, carpets, and all vessels and depositories containing the secretions of human beings, may retain the poison cells in all their integrity. These things may carry the poisons from household to household, disseminate them in our streets, our omnibuses, our railways, steam ships, and public conveyances of all kinds. The drain may carry them into the sewer, and the sewer into the river, but in their course they may escape from our ventilating shafts, our gully holes, and open closets. They may be emptied into our wells and rivers, and conveyed to our bodies by means of spring water or river water. They may be shut up in drawers or in old closets (of which there are many striking instances on record), and, at any moment when brought in contact with the human system, they may start into life and activity again, to renew their ravages on systems predisposed to their action.*

That the poison of a disease may exist, and every possible access to a system be present, and yet the disease be not taken is well known. Instances frequently happen of persons living to old age, without having had any of the ordinary contagious diseases of mankind. It would be well to make a more accurate study of these cases. But we know something of the laws of predisposition to disease. We know, for instance, that persons who have had the small-pox are not disposed to take it again. We know that in nine cases out of ten if persons have been vaccinated they will not take small-pox. This is one of the great triumphs of our modern civilisation. It is the beacon of our hopes with regard to crushing out for ever the poisons that can only be propagated in human systems. But our knowledge of predisposition extends further than this. We know that where the four great factors of our life have been scantily supplied, or vitiated, there predisposition, not only to idiopathic and self-generated disease exists, but to receive the germs of the poison fevers, of which I have been speaking.

So well is this known, that we can point out certain external conditions, which will so act upon the human system as to predispose it to certain forms of disease. Thus, amongst our working men and women who live in badly ventilated and overcrowded houses, we find those who are most ready to take the poison of typhus. Amongst the underfed, the fever called relapsing, and which differs from typhus and typhoid, finds its most ready victims. Hence it has been called famine-fever. But no class or condition of men have been discovered who are

* For instances *see* Dr. Watson's "Lectures on the Practice of Medicine, in the case of Scarlet fever;" and Dr. Shapter's "History of the Plague in Exeter," for that disease.

not susceptible of these poisons. The medical man who lives free from the influence of over-crowding or famine, in his own home is frequently stricken down with these fevers. The anxiety of the student, the statesman, or the prince, may undermine his health, and render him a ready victim for the poison that lies concealed like a snake in the grass in his path. It is not necessarily among the over-crowded and badly ventilated rooms of the poor, and the squalor and filth of our lowest classes, that scarlet fever selects its victims, and commits the greatest ravages. The homes of the rich, and the hearths of the comfortable middle classes of England, are made desolate by this all-pervading scourge, and it is a mockery to say that we know the conditions of those who will be the subjects or the victims either of scarlet fever, or its twin-sister of mischief, diphtheria. That both these diseases depend on a special poison, which can be communicated through the medium of the air, and preserved in activity on inanimate substances, as clothes and excreta, I have no doubt, but we cannot predict with any certainty who will be their victims.

What is true of human diseases is also true of those of the lower animals which man associates with himself. The horse, the ox, the sheep, and the pig are all liable to idiopathic and contagious diseases. Like human diseases, many of them are *sui generis*, and incommunicable to man. The sheep of our country have just passed through a "great epidemic of small-pox." It had all the peculiarities of the small-pox in man, but it was not capable of extension to man. At the present moment, a more frightful scourge is visiting our cows, drying up one of the great sources of the food of our infant population, and rendering scarce the animal food so necessary to the health and strength of the working man. This disease is not new, it is the steppe murrain of Siberia, where it seems permanently to exist. It is well known in Europe. Germany stands in constant fear of it, and by her excellent quarantine arrangements, has for years stopped its introduction into the rest of Europe. It has, at last, escaped her vigilance, and a cargo of affected beasts having found their way to Great Britain, our herds have been already more than decimated by its visitation. There is no mystery about this disease. Warning voices have not been wanting on this matter, and we are especially indebted to Professor Gamgee * for having pointed out, years ago, the danger we were incurring in not taking steps for the prevention of the introduction of this terrible disease. It is not for me here to discuss the question of the nature and origin of

* "History of the Cattle Plague." Hardwicke. 1865.

this plague. But should there be any persons who are doubting either that this disease is contagious, or what are the best steps to be taken to arrest it, I would urge upon their attention the facts which have already been accumulated on this subject, for the purpose of removing that hesitation in adopting preventive measures, which is as fatal in cattle as in human diseases. In an able paper* read by Dr. W. Budd, at the last meeting of the British Medical Association, he has clearly pointed out the close similarity of this disease to human typhoid fever, and expressed his opinion that it is quite as nearly related to that disease as the small-pox of the sheep is to human small-pox.

That it spreads and behaves itself as a contagious disease, I have had the opportunity of observing in the parishes of Hampstead and Hendon. In the now celebrated case of Lord Granville's cows at his farm at Golders Green, Hendon, the disease appeared in some cows not belonging to his lordship, but which were kept in a meadow contiguous to his lordship's farm. The disease broke out on that farm in the largest and best ventilated cowshed of three that contained altogether 140 cows. Now this cowshed, which contained at least 1,200 cubic feet of space for each cow, against a much smaller space for the other cows, was the one in which the disease first appeared. If dirt, overcrowding, or want of ventilation had anything to do with this disease it would not have broken out in that shed. But that shed is situate on the common footpath from Child's Hill to Golder's Green, and men, women, and children are continually passing and repassing that cowshed, from the meadow in which the cows were first diseased. Knowing, as we do, that the excretions of these animals must contain the poison germs of the disease, we can have little doubt as to how the cattle plague got into that well-kept and well-ventilated shed on Lord Granville's farm.†

Studying this disease from the three-fold point of view of its poison, the means of its communication, and the predisposition of its victims, we are struck at once with the fact that it is not the calves, or the bullocks, or barren cows that are attacked, but it is the milch cows. We cannot fail to see a cause of this predisposition in the comparatively unnatural condition in which the milch cow is kept for the purpose of obtaining milk from her all the year round, that gives to her, beyond all her congeners, the tendency to take this disease. In such facts as this we may see beyond the law which devastates our flocks,

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* *See Social Science Review* for September, 1865.

† *See* Lord Granville's letter in the *Times*, September, 1865.

—a law maintaining the integrity and strength of the species by the letting loose of poisons to destroy the weak and those which are likely to produce an enfeebled race. Nay, even further, is not this the great lesson that we should learn from the epidemic attacks of these poison fevers, are they not sent to take from us the constitutionally weak and feeble, so that the race may retain its vigour upon the earth? This, however. must be no excuse for indolence in doing all we can to place our race in such a position that it may successfully defy the attacks of poison, and each member of a community be the possessor of all the highest physical qualities of his race.

But I must pass on from the consideration of the abstract principle involved in our inquiries, and invite you for a moment to consider the practical action they involve. Our subject here very appropriately divides itself into two heads; public action and private action. It is the duty of the civil Government, in matters of life and health, to do for the individual what he cannot do for himself; and it is the duty of individuals to do for themselves what the Government cannot be expected to do for them.

If we could place our towns and cities under the governance of an enlightened despot, we should at once gain much from the application of our present knowledge of principles. Could we carry out as severe a code of sanitary laws as those which the ancient Jews submitted to as a divine dispensation, there is no doubt that results of a most astonishing nature would follow. But we must rest satisfied with following the slow genius of our nation, and submit to the government and institutions with which we are surrounded. I cannot here enter into the details of our sanitary legislation. It has been slow, and its action has been by fits and starts, as now and then the public mind has been alarmed, and the legislative mind has sympathised with it. But the fearful death-rate of many of our large towns, the neglected and unsanitary state of our villages, show that whatever our legislation may have been, it has yet failed to produce any great impression on the mass of our population; dirt and filth, disease and death, keep pace with our activity. We no sooner improve than we go back again. Here is a record of our deaths from zymotic diseases (the absence of which is regarded as the best indication of our sanitary activity) for the last twelve years.

ANNUAL RATE OF MORTALITY per cent. from *Miasmatic* * *Diseases* in England and in London, in each of the years 1851 to 1863.

Years.	Deaths Annually to every 100 Persons living.	
	England.	London.†
1851	·49	·53
1852	·52	·50
1853	·47	·54
1854	·61	1·07
1855	·45	·53
1856	·41	·50
1857	·47	·49
1858	·55	·58
1859	·52	·57
1860	·36	·43
1861	·42	·52
1862	·43	·59
1863	·56	·67

You see we have made but little, if any, progress. In 1860 it looks as if these diseases were at bay, but how fearfully it rises in 1863. My conviction is, that our legislature wants earnestness. All our Acts are so constituted that they may be defied with impunity. They, in fact, give the power of action to those who are either interested in maintaining sanitary abuses, or are ignorant of the dangers which arise from their toleration. The Metropolitan Management Act was, undoubtedly, the largest instalment that the legislature ever made towards correcting the sanitary abuses of London, and in the creation of the office of medical officer of health, has laid the foundation of future sanitary legislation. That this office has worked well, in London, and has contributed to a large amount of sanitary action, there can be no doubt. But, from the fact of the medical officer of health being entirely dependent on the vestries of London for his appointment, his duties have in many districts been interfered with, and his ability to act for the public good reduced almost to a sinecure. So much has this been the case, that persons have suggested that he should be appointed by the Government, and respon-

* The class of cases coming under the term of "miasmatic" are typhus, dysentery, diarrhœa, cholera, scarlatina, &c.

† The results for London were derived from the deaths in the Weekly Returns embracing 364, and in some cases 371 days in a year; the above rates have been corrected for the difference between those numbers and 365·2422 days in a year.

sible to the Government alone. The objection to this plan is, that he is at present paid by the parishes requiring his services, and that Government appointments are not always free from the objection that Government does not monopolise all the intelligence of the country, and is not free from the charge of favouritism in its selection of officers. The great bar to sanitary action in our vestries and local boards is their parsimony; and if they could be once made to see that disease and death are the most costly luxuries in which man can indulge, they would possibly give more scope to the action of their medical officers of health. Perhaps one of the greatest improvements that could take place in the London system would be the appointment of the medical officers of health for life, and reducing their numbers, giving them larger districts to superintend, and appending salaries which would render it unnecessary that they should attend to private practice.

The same system should be extended to districts beyond the metropolis. It is almost impossible under our present laws to initiate sanitary improvement in the villages and small towns of the country. The most gigantic nuisances are allowed to grow up without let or hindrance, and it is only when some terrible calamity visits a place, that any action is taken. The Metropolitan boundary is studded with villages that the Management Act does not reach, and which are a disgrace to our civilisation. Such a village exists at Childs Hill, in the midst of a farm belonging to the Lord President of the Privy Council. I mention this to show how defective our sanitary legislation is at the present moment, so that the representative of all sanitary authority in Her Majesty's Government is helpless to remove nuisances at his very door. It is most necessary that medical officers of health should be appointed to large districts in the country, with power to remove, and compel owners of property to remove, the most common and obvious sources of death and disease. In all great public improvements, which have for their end the health of the people, the law should act with more certainty, and the rights of property should not be allowed to interfere with the higher claims of health and life.

In thus commenting on what appear to be the defects of the law, I am aware how fully the laws represent the opinions and feelings of the people of this country, and if the law is inefficient or unacted upon, it arises from the want of knowledge on the part of the people themselves. Not only does this ignorance tell upon the legislature, but even were it possible for the legislature to provide all the conditions of a healthy existence, this object could not be obtained unless the people were sufficiently instructed to avail themselves of the rights thus con-

ferred upon them. I have alluded to some of the great facts upon a knowledge of which our healthy existence depends. It is in vain that the Legislature enacts a plan upon which houses shall be built to ensure ventilation, unless the inhabitants of those houses understand the worth of fresh air. In vain is fresh water brought to our doors, if, in our indolence and ignorance, we refuse to use it. There must be intelligence both in the legislator and those for whom he legislates, if we are to take advantage of our present knowledge of the laws of life to secure us from disease and death.

When one sees how little is the effort made to introduce into our general system of education a knowledge of those great laws of physics, chemistry, and physiology, on which our life depends, one is filled with dismay at the prospect before us. When the leading educationists in our country are carrying on a controversy as to whether in our examinations the highest rates of marks shall be given to classics, mathematics, history, or modern languages, one feels that they are quarrelling over dry bones, and forgetting all that which gives life and reality to our existence. It is not till the great facts of the natural sciences shall take a proper position in the studies of our universities, where the majority of our statesmen are instructed, that we can expect them to be taught in the middle class schools, where our vestrymen gain the elements of their education. It is only when those who instruct weekly in our pulpits, and influence the education of our lower class schools, are themselves taught the great laws by which the Creator governs the life of the world, that we can expect our working classes to exercise that judgment and self-control with regard to their health, the want of which causes the sacrifice of holocausts of victims amongst them every year.

When I consider the sacredness of human life, when I know how sacred we all regard it, I feel as if it were a bathos which I ought to avoid, to remind you how costly a thing is disease and death. But it is true the gain of 100,000 lives annually would pay ten times over the cost of all the exertions that would arise to secure them for life and for their country. But I will not pursue the subject. I leave now the question of the public health in your hands, to work out its great problems, as amongst the most patriotic and the noblest to which the human mind can be devoted.

Address

BY

EDWIN CHADWICK, C.B.,

ON ECONOMY AND TRADE.

IN the address I was called upon to give in London, in the interval since our meeting at York, I endeavoured to develope the more prominent defects of our chief means of internal communication — namely, those by railways; and the consideration of the subject then served to promote the appointment of a Royal Commission to examine it, with a view to legislative remedies. On the present occasion, I have to call attention chiefly to the large losses of lives and property by shipwreck, and to growing conditions of insecurity in our system of external communication, by our increasing mercantile marine; which also appear to me to demand responsible inquiry. Recent cases in our criminal courts, displaying systematised murders and systematised incendiarism, together with the systematised destruction of ships, and frauds,—all for insurance money, all apparently arising from common defects in the principles of our legislation, and from the unguarded manner in which extensive insurance business is conducted, so as to offer temptations to crime, and occasion great public waste,—make it a matter of conscience with me to endeavour to direct attention to these topics collectively, with a view to measures of prevention, on the basis of a common principle.

And first, as to the extent of the evil of shipwreck. The vessels totally lost during the last year of the returns recently published were 569. The average for the last five years has been 558 totally lost, and 930 wrecked or subjected to partial loss, being an annual average total of 1,488 casualties, involving an annual loss of 875 lives; and that, notwithstanding the exertions of life-boats, and various voluntary means of saving life, by which, in 1862, more than 4,000 lives, and, in 1863,

more than 5,000 lives, were saved from destruction in the occurrence of shipwrecks.

It may serve to give a conception of the evils under consideration, if I state that the whole of the fleet which Queen Elizabeth mustered to meet the Spanish Armada numbered 176 ships, of which 34 only were "ships royal;" so that next year, and each year after, if no alteration be made in our system, we must anticipate that there is doomed to be totally lost more than three times the number of the English fleet in that great contest, and to be partially damaged and wrecked nearly eight times that fleet—occasioning a loss and damage of a tonnage of upwards of 300,000; or upwards of five times the tonnage of all Cromwell's fleet, with which, under Blake, he kept Christendom in awe. Why! the annual loss of lives by shipwreck now approaches to the annual average of the whole of the killed outright in battle, by sea as well as by land, which only amounted to 899 during the last twenty-two years of war. I might treat this sacrifice of life as a great waste, too, for each sailor may be considered as an investment of £250 on the average. And the evil goes on increasing. The average general loss upon British shipping was, according to a paper by Mr. Lance, of Lloyd's, in 1816-17 and '18, 1·57 per cent.; in 1850, it was 2·806 per cent.; in 1855, I make it out to have been nearly 4 per cent.; and in 1863, according to the last wreck returns, nearly 6 per cent. of the entire mercantile marine.

In 1839, it was my duty, with my colleagues of the Constabulary Force Commission—a police commission of inquiry—to investigate the causes of crime, with a view to its repression by the agency of a police. We found along the coast a regular practice of plundering wrecks, and a state of disorder befitting only a barbarous country. I visited Cheshire, and some parts of the coast where the practice of wrecking was the most rife and regular. But what were the elements that caused this regular occurrence of wrecks from year to year, in the like weather and at the same points, as continued to be shown by wreck charts? On inquiry into the character of the wrecks themselves, a large proportion of them were proved to be the result of gross ignorance, and preventable. They were due mostly to ignorant commands, inferior hands, and bad seamanship. But to what was due this large proportion of loss from bad seamanship, in this great maritime country? Indifference to the use of skill, was the common answer, in the terms of the following from Captain Alderley Sleigh, of the mercantile marine.

He, in common with other maritime witnesses at the ports, alleged:—"Not only is there no interest in getting good, but there is a fearful effect in going shorthanded. Merchant vessels are shamefully inadequately manned. I once came to England in a brig which could only afford two hands to each watch. The man at the helm was frequently obliged to leave his post to let go the ropes in a squall at night. In one case the vessel was almost lost, from this circumstance, off Cape St. Vincent. In a moderate gale it was necessary to cut away from the yard a foretopsail which could not be fronted from her, having only three men and two boys in a ship of 250 tons."

"If the lives of the men are lost, does the widowhood or orphanage or any such loss fall on the owners?" "No, on the contrary, the owners frequently gain. In case of the loss of the vessel there is no claim for wages, and the parish supports the widow and the orphans, if the man happen to be married."

"Are the losses ascribable to ignorance, and are those losses very great?"

"Yes. I believe it has been ascertained, beyond contradiction, that the number of British ships which are lost is more than one in twenty-four; and that property to the value of nearly £3,000,000 annually is thus lost to the nation. Chiefly through ignorance and the present system of nautical insurance, which assures any ship on good premium, however unsafe or decayed. Further, that for every *seventeen* sailors who die, *twelve* are drowned, or lost by shipwreck. And that nearly 2,000 perish annually in the deep. Thus hundreds of widows and thousands of children are thrown on the precarious charity of the public."

This was some years ago, and I cannot now answer for the accuracy of the statistics; nor is it material, since the present positive losses are so immense. In a paper by Mr. Henry Jeula, an underwriter of Lloyd's, on some statistics relating to shipping casualties, read last year at the Statistical Society, he made the following large and pregnant observations, as coming from a member of that body, "On the Terrible Increase in Casualties":—

"It may not be unimportant to ask the question, whether, with the enormous *increase* of our ships both in *number* and *tonnage*, and a *higher ratio of activity*, the very large reduction in the percentage of hands employed to each hundred tons—notwithstanding the admitted advantages of patent capstans, windlasses, reefing topsails, and other mechanical appliances—may not have a close relation to the terrible increase in casualties which has occurred while 'examinations' and 'certificates' of 'service' and 'competency' might reasonably have led us to hope for a decrease in the number of disasters?"

I am assured that never before now were a larger number of vessels of the mercantile marine so short-handed, which leads to short watches, and in cases of exigency leaves less power for prompt and vigorous action. But why are any sent out in so dangerous a condition? The answer is still the same—impunity given by full insurance.

That which was patent to us then, as so represented, remains uncorrected now;—namely, the strong negative motives against progress,—against exertion for the attainment of knowledge and skill—constituted by the unguarded practice of insurance against the losses consequent on ignorance.

It is alleged now, as it was then, first, that vessels are sent out to sea, which the owners would not send out, if they were not insured, if the owners were compelled to be their own insurers, —and secondly, that crews are sent out under masters whom the owners would not entrust with lives or property if they were sufficiently responsible for them. There have been examinations provided for masters, which are good as far as they go. But, though I have been a strong advocate for examinations, which serve as screens to keep out absolute ignorance, I have never pretended that they were, in themselves, complete securities for competency. The man who may keep his head in an examination room, especially in a mere pass examination, may lose his head in a storm. It appears, however, that of the vessels lost during the last year of the return of the ships of the home and coasting trade that were wrecked, whilst 844 were commanded by masters not having certificates of competency, only 141 were commanded by masters who had such certificates;—that is to say,—that whilst about three out of four of the masters have passed an examination, about five out of six of the vessels wrecked had been entrusted to men who had obtained no certificates of competency whatsoever.

It were a dreary prospect, if such a succession and increasing annual amount of the horrors of shipwreck, as these wreck returns display, were inevitable, and were an unavoidable condition of our increasing commerce and means of external communication. The public naturally ask, as we have seen that even a member of Lloyd's asks, how, with the progress of science, there should be an increase of these casualties? The evidence of the extent to which they are found to arise from ignorance or remissness is really a relief for the future, for to the extent of that remissness the evils are remediable, by the application of sound principles of legislation. Now, to me, the evidence, a portion only of which I can now submit, appears to be clear and decisive that in the greater proportion of cases the evils are preventable. To take the

minor class of casualties, reported in the last wreck returns, those from collisions, of which there were, during the year, 66 that involved total loss, and 265 that involved partial loss. The last wreck report, drawn up, I believe, by an officer of eminent nautical skill and trustworthiness, states that—"The main causes of the collisions during 1863 are reported as being bad look-out; neglect and misapplication of the rule of road at sea, and negligence; parting cables and dragging anchors. Only *four* total losses by collision, and 35 partial losses, can, from the facts as reported, be attributed to inevitable accident. The number of collisions reported in 1863, as happening in weather described as dark, very dark, hazy, thick, and foggy, is 68; whilst the number happening in weather described as cloudy, dark, *and* clear, or clear and *fine*, was 164. Cases of collision have been reported in which no look-out whatever has been kept, or in which the deck of the ship has been left without any person in charge, and the helm has been lashed down, although the ship may have been sailing at full speed, and in a much frequented part of our narrow seas." Now, looking at these cases alone, as officially reported, and if there were no others, is it creditable to a community, boasting of its position in civilisation and progress, or to its parliament and government, that life and property should be allowed to be thus sacrificed, from year to year, by such ignorance and criminal recklessness?

The statistics show that these conditions, apparently accidental in particular cases, regularly pervade the mercantile marine, and operate, like laws, to produce similar results. In 1862, the number of cases of collision was nearly the same, 338; in 1861, it was 323; in 1860, 298; in 1859, 349. It will follow, if unchecked, that next year ignorance and neglect will send a fleet of some 60 sail of ships to the bottom, with perhaps all on board, and will damage a larger fleet of 200 more vessels; and the like the year after that; and so, from year to year, from one method of destruction only,—such collisions.

It will be clear, however, to the mind of anyone conversant with the subject, that it is only the grosser causes of disaster which come to light, there being strong motives, and easy means of concealment and misrepresentation of the causes stated to consuls and other officers, and returned to the Board of Trade. The large proportion of cases ascribed merely to stress of weather admit of challenge;—yet, of the total losses that occurred from other causes than collision, 61 are reported to have been caused by carelessness, incompetency, and neglect; and 31 from unseaworthiness, or defects in the

ship or her equipments; whilst of the cases of partial loss, 115 are reported as having been occasioned by carelessness, incompetency, and neglect, and 30 from unseaworthiness, or defects in equipments. If all the rest—if all that have gone to the bottom, causes unknown — were due to pure and blameless accident, is this extent of waste and insecurity in our external communications, as well as national discredit and injury, to go on in perpetuity, without earnest attempt at correction?

That the greater proportion of these losses are preventable, is, I consider, demonstrable by the fact that where adequate motives, leading to the adoption of available means, are applied, such proportions are prevented. Whilst in the mercantile marine the losses have, as we have seen, gone on increasing, in the Royal Navy they have gone on decreasing. I have not had time to obtain the latest returns, but the proportion of total losses of vessels employed was, in 1856 and 1857, one-seventh of the proportionate loss between 1816 and 1822,* and about one-eighth of the last rate of loss in the mercantile marine; and the proportion of loss in the Royal Navy, small as it is comparatively, is held not to be absolutely clear of blame in every case. But particular portions of the mercantile marine, which are under proper motives, that is to say, of self-insurance, are, I believe, fully up to the Royal Navy in security, if they are not in advance of it.

I may cite the instance of the great self-insured steam companies, such as that of the British and North American Royal Mail Steam Company. On the line called the Cunard line of steamers, carrying mails under contract with the Government, from Liverpool to Halifax, Boston, and New York—on that line only one steamer has been lost; and during twenty-five years there has not been a single loss of life or of personal injury to a passenger in any degree attributable to the ships or the company's officers; and only ten men of the crews lost or killed, in all that tremendous navigation, at the highest speeds, amidst the fogs of Newfoundland, amidst its fishing vessels and icebergs. The crews of that Company, shipped and unshipped, have amounted to about 25,000 per annum, yet barring the accidents to individual seamen, the only serious loss of seamen was of six men lost by the upsetting of a boat in an attempt to save the crew of a schooner wrecked on the Liverpool bank, and, as I am informed, the only actual loss of vessel during twenty-five years was one small steamer and another

* *Vide* Paper on "Shipwrecks in the Royal Navy," by W. B. Hodge, Vice-President of the Statistical Society. *Transactions*, June, 1864.

damaged in harbour, out of 140 steamers engaged from first to last;—and in that portion of the Company's fleet called the Cunard line (now numbering thirty-one vessels), the rate per cent. of loss to the insurable value of the property exposed during the time, would amount to an almost inappreciable fraction of a percentage.

I may refer to another example of the progress of mercantile navigation, under the great Peninsular and Oriental Steam Navigation Company, which during the last ten years has had a fleet of 44-5 ships, with 58,000 of tonnage, propelled by nearly 15,000 horse-power, running 3,763 miles per diem, or 157 per hour, and has, during that time, carried upwards of 258,000 passengers, in dangerous seas liable to typhoons, and has not lost a single life, either of passengers or crews,* in the seven shipwrecks that have occurred, the loss on which to the self-insurers was £1 8*s.* 8*d.* per cent. in the insurable value of the ships employed. I would contrast this with the insured steam-vessels from the port of Hull, the premiums on the body of which, for twelve months, as I learn from Lloyds, may be taken at six guineas per cent. even for the Continental trade, and nine guineas per cent. for the Baltic trade. The self-insured, or the partially-insured vessels of large and respectable individual owners, or private firms, might be cited, with those of the great companies, in corroboration of the conclusion, that, with the progress of nautical science and art, under proper conditions, losses of life and property are rare, and instead of increasing, ought to be rapidly diminishing.

Mr. William Lance, underwriter of Lloyd's, states that the total loss upon vessels registered there of the class A. 1, was under 2 per cent., whilst in vessels of the class I, it was 33 per cent.; that the per-centage of lives lost in one year was, in vessels classed A. 1, 14 per cent., whilst in vessels registered without character, it was 36 per cent. The loss upon Tyne ships, from 1842 to 1845, was nearly 25 per cent. upon the entire shipping of that port, whilst the number of lives lost was 33 per cent.

One fact which is demonstrative of the comparatively low state of care of the mercantile marine, is the very high death-rate prevalent in it. Dr. Johnson, in 1778, thus described a sea life in the royal navy:—"As to the sailor, when you look down from the quarter-deck to the space below, you see the utmost extremity of human misery; such crowding, such filth,

* There is reason to fear a recent exception in the foundering of the "Asia," during a typhoon in the China sea, with 3 European passengers and her crew of 17 Europeans and 83 natives.

such stench!" "A ship is a prison, with the chance of being drowned; it is worse in every respect—worse air, worse food, worse company." This description, save as to the company—which is that of poor neglected men—is now in great part applicable to a large proportion of the mercantile marine, where the death-rate, as shown by the registrar-general's returns, is nearly threefold that of the royal navy; and in the royal navy there is yet, in my view, great room for improvement in the ventilation, between decks and otherwise. I do not see why the sanitary condition of a large ship, which has now a death-rate lower than that prevalent amongst men of the like classes and ages on shore, ought not to be brought still lower, namely, to that of a well-constructed and well-managed prison, whence not only the gaol fever, but all the miasmatic diseases are now excluded, and where the death-rate is less than half that of the ship, less than one third that prevalent amongst the outsiders of the honest artisan classes. About a century ago, the "Centurion" lost, in a few weeks, 200 out of 400 men by scurvy. Now that disease only scourges the mercantile navy, and the Board of Trade is voluntarily issuing charitable suggestions to owners and others, for its mitigation and prevention, by ventilation and cleanliness and other simple sanitary means. I had occasion to direct some inquiries, as to the health of the men in the mercantile marine, connected with quarantines, and the generation of infectious diseases on shipboard, and their apparent propagation. It appeared that whilst the deaths in the metropolis at the age of 15 and upwards, from diseases of the miasmatic or zymotic class, were 6 per cent., amongst sailors they amounted to 60 per cent. At one of the half-time schools, for orphan and destitute pauper children, in which I take an interest—that of the large district of Stepney—where the boys have naval exercises and drill to prepare them for a sea life, and where they are trained in habits of cleanliness and order, and succeed excellently well—I learn that the boys, when left to themselves, now prefer the royal navy. On inquiring as to the causes of this preference, the answers I got were of one tenor,—because the ships of the mercantile marine are so disorderly and so dirty.

One master problem, in social science, in legislation, and in administration, is to make personal interest coincident with duty. I have to call particular attention to a practical example of the realisation of this desideratum, and to its results, even on common shipowners. When the system of transportation was first commenced, the first voyages were what is called extremely unfortunate. Full one half of those embarked were

lost. Later on, it was one third. Yet there were no omissions, obvious to common observation, or to which criminal responsibility could be distinctly assigned. The owners were, no doubt, fairly honest men, chargeable with no conscious designs against the lives of the human beings committed to their care, and with no unusual omissions, but their thoughts were directed by their interests exclusively to profits; they got as much freight as they could, and they saw no reason why convicts or emigrants should not put up with temporary inconveniences to make room for cargo.

By a simple change (based on the principle of self-interest, the most uniform, general, and, when properly directed, really beneficent principle of action),—by the short alteration of the terms of the contract, so as to apply the motive where alone there was the effectual means of prevention—by engaging to pay only for those *landed* alive, instead of paying for all those *embarked*, these extreme horrors were arrested; the generation of extensively mortal epidemics was in a short time prevented, and clean bills of health might have been given to all the ships which before would have been entitled to none. The improvement continued up to the termination of the practice of transporting convicts, when it amounted only to one and a half per cent, which is lower than the average mortality of such a class living on shore. The owners themselves, without any legislative provisions, or any official supervision or regulations thereto, appointed medical officers, or surgeons, and put the whole of the convicts under their charge; the owners attested their own sense of the propriety, sound policy, and efficiency of the principle, by voluntarily adopting it and applying it to each ship-surgeon in charge, whose remuneration was made dependent on the number of passengers landed alive. This was a great improvement in the right direction of unity, or concentration of responsibility, for in some large companies, as in the case of railway companies, instead of being concentrated in directors and managers, it is so divided amongst the vast mass of shareholders as to be weakened, and dissipated, and almost obliterated.

The alteration in these cases stimulated the self-interest of the ship-surgeons, or officers engaged in that service, and led to highly important practical results, as to the means of securing health, and preventing disease. In the course of my inquiries, a surgeon who had the charge of transport ships described to me the toils of his service during long voyages; his sleeplessness on stormy nights; his getting out of his hammock to see that the wearied sailors—whom he would not trust to themselves—took off their wet clothes, and put on a

proper change before they turned in; and as he narrated them, I complimented him on his sentiments of active benevolence, when he frankly owned that he was only entitled to praise for vigilance to his own interests. Some benevolent and intelligent owner had taken care that the sailors, as well as the passengers, should be included in the surgeon's contract for remuneration. The ship-surgeon acknowledged it was that which kept his thoughts intent on the means of preserving their health, as well as saving his own trouble, even in merely treating illness when it occurred, which alone, in consequence of a vicious shortsightedness, is ordinarily considered the surgeon's sole duty, and not that of giving general advice or directions for the preservation of health.

In cases of contracts on these terms for the transport of troops, where the officers in command had forgotten to provide surgeons for their care, the pecuniarily responsible owners had not failed to secure them.

I strove in poor law administration to get the same principle applied to the transport of pauper emigrants, and when I succeeded, it was delightful, on going to the chartered ships, where they had not previously been adapted to the service, to see the men cutting holes into them for an improved ventilation, and the vigilant care that the voyages should be successful, as they eminently were. It was pleasing to one in authority to be saved all trouble of devising *à priori* regulations and penal provisions for their enforcement. If this had been done merely by *à priori* authoritative measures, there would have been no end of complaints that we were cutting their vessels to pieces, and dealing most tyrannically with them. Without virtue, or at least without extraordinary virtue, or only with virtue which is common, we may be said to have done the business of virtue. The contract secured for every poor forlorn emigrant, who nevertheless was lost, at least one sincere mourner. We "drew iron tears down Pluto's cheeks." We converted the city Levite, the Wapping publican and shipowner, into a sanitary Samaritan! On behalf of the emigrants and passengers I certainly should have strongly protested against the owner being allowed to divest himself, by means of insurance, of this beneficent responsibility. Under even an imperfect amount of such responsibility, it is impossible to conceive that owners would continue to appoint such masters or mates to commands, as the wreck returns tend to show they do, by the extent of such defaults from year to year, as described in the terms I have quoted from the official wreck report of the cases of collision, "in which no look out whatever has been kept, or in which the deck of the ship has been left without any person in charge, and

the helm has been lashed down, although the ship may have been sailing at full speed in a much frequented part of a narrow coast." I must note it as a point of promise that the mercantile marine appears to answer well to the helm of the guiding principle of interest; and I feel a strong conviction that, by legislation and administration under the guidance of that principle, full three-fourths of the average of 800 lives annually lost might be saved, together with the same proportion of loss of ships and goods. The legislation of France is in advance of ours, in the adoption of the policy of concentrating responsibility on those who had the best means of prevention; namely, on the users of machinery, of any sort, even for apparently blameless accidents. In reports, and before parliamentary committees, I had, with my colleagues, independently urged this policy, before I was aware that it had the sanction of the Code Napoleon.

But these representations succeeded only, to a limited extent, in getting the imposition of responsibility by Lord Campbell's Act, for the pecuniary loss arising from culpable negligence. That measure was intended as a commencement, but since culpable negligence is chargeable in nearly all cases, and is clearly provable in most, the limitation of responsibility to provable culpability, in effect saddles the whole class of cases with an unnecessary extra amount of costs of litigation. A revisal of the working of that provision will, I believe, establish the conclusion that it would be better, for the interests chargeable, to adopt the principle, pure and simple, of entire responsibility, even for what are called entire and blameless accidents. By another partial measure, which provided tests for the competency of new masters, old ignorance or incompetency has been allowed to continue in command over life and property, and does continue, to an extent displayed by the fact that the increasing majority of shipwrecks occur under unexamined and uncertificated masters. An incomplete power and duty of inquiry into shipwrecks has been conceded; but with no adequate means of public prosecution. Competent and impartial persons will agree that in the commercial navy, as in the royal navy, every loss of life or vessel is in itself presumptive of a default,—is in itself a charge against the master in command, of which he should be left to acquit himself as he may, before a complete and competent, a well organised and independent professional tribunal, armed with strong powers, and responsible for their due exercise on behalf of the public. Of the present partial measures, I would submit that the excessive positive amount of cases of manifest culpability, and the increasing number of horrible shipwrecks, does

justify and call for the application of the full and clear principles which my colleagues of the Constabulary Force Commission agreed in submitting, with justificatory evidence, in the following terms:—

"The merchants are protected from loss by insurance, the cost of insurance falls upon the freight, and the cost of the freight upon the consumers. The loss, therefore, is hidden in the cost to the consumer, and diffused amidst the community at large. It has been strongly stated in the evidence before the Committee of the House of Commons, which inquired into the causes of shipwrecks, that relief from responsibility or due care by marine insurance, operates on the ship as well as the cargo, in producing carelessness as to the seaworthiness of the vessels, as well as to the choice of trustworthy hands; it operates, by the dereliction of the constitutional principle of administration, thus left not only without protection, but exposed to destructive causes of negative security. * * *

"We consider, and shall show, that it forms the business of every efficient preventive institution to stimulate private care, and to promote self-reliance, to every practicable extent, by warning and instruction, as well as by direct aid. We conceive that any general public agency can only perform one part in the work of prevention, and that, for entire prevention, the early principles of law, of private responsibility to the community at large, for injuries done to life, limb, or property, of any member of the community, should be restored and practically applied. In other words, the ancient policy of the law should be pursued, of concentrating responsibility on those who have the best means of preventing mischief; and we consider that, in the class of cases before us, the use of insurance should be so guarded, as not to allow it to supersede that policy. * *

"We believe that the general application of the policy of the law and the concentration of responsibility by such means as those described; by rendering the owners liable to return all passage money, any contracts to the contrary notwithstanding, (as is the policy of the law in respect to the unauthorised provisions of carriers for evading legal responsibility attached to them,) and to make reparation in the way of compensation to survivors, rather than in the shape of deodands to the Crown, would do more for the general prevention of calamities, of losses of life and property, or of the formation of habits of depredation, than the most complex pre-appointed regulations, enforced by an army of inspectors and police, such as have been recommended for the purpose. We might, were it not too far from our province, display at length the extent to which the practice of insurance has overgrown many of the

salutary responsibilities contemplated by the law. What we have stated may suffice to show the extensive collateral aids required by a preventive agency; and the comprehensive yet practical measures which would be required for the effectual prevention of crime. Whatever reduction in the number of calamities by loss of life or property might have been produced by the extended application of the principles we have stated, there would be, doubtless, many, which no means existing or discoverable by any foresight could avert. A large proportion of the calamities of shipwreck, and occasions of plunder, befall the ships and crews of foreign nations, who trade in the ports of the empire. For these cases, as well as for the protection of the lives and property of those of your Majesty's subjects engaged in the commerce of the country, it appears to us that an efficient constabulary force, immediately dependent on the Crown, is required to give that security which the local authorities, private individuals, and voluntary associations have failed to afford."

But it were a large oversight if we were to disregard our social as well as political interests in the welfare of the great class of private seamen, and their families, engaged in our increasing commercial marine. Inquiries under the commissioners, whose report I have cited, brought out the fact that in our seaports large numbers of depredators and ministers of vice are maintained by preying upon common seamen, the great mass of whose wages is sacrificed to them. It would take a lengthened report to display fully the baleful influence of unguarded insurance in keeping down the demand for educated and trained men, in keeping the mass of common seamen, who should now more than ever be carefully cultivated, in perpetual childhood, exposing them as victims of improvidence to the criminal and vicious population of the ports; in exposing life, and property also, to the wastefulness of the same ignorance. The economical results, and the costliness and danger of ignorance, are thus practically and comprehensively described in the representative testimony of Captain Sleigh:—

"Of course the intelligent and moral conduct of the men will be found also to have its pecuniary value in respect to the safety of the vessel. For example: if an illiterate seaman be on the watch, and be placed to look out for land, he will have little or no regard emanating from principle to the consequences of his negligence, and will, without making an effort of mental rectitude, indulge himself in sleep; on the contrary, the educated man will be moved by a sense of character, perhaps also by a perception of what is dependent on his performance of duty, and will be true to it without the necessity

of watching him. It is not to be said that an uneducated man is so far ignorant as not to see the danger. He does see it; he can hardly fail to be aware of what must be the consequences to his own person, but, either from insensibility to moral character, or from some obtuseness arising out of ignorance, he does not care for it, he indulges himself carelessly, with him the mate has to be constantly on the watch, and to be a driving task-master; the educated man does his duty with less labour of overlooking and driving; an ignorant man, in doing his work, even if the fate of the ship depend on its correctness, will most frequently do it so as will save himself trouble, it being sufficient for him if it makes an appearance to the eye, whatever it may be in reality. For instance, in setting up a shroud or stay, if he be not attentively overlooked, it is very probable that he will not take proper care and trouble to secure the end of the lanyard, being desirous of getting over the work; on the security of the stay or shroud may depend the security of the mast, and on the mast the safety of the vessel, and of the lives on board—his own life included. Hence the necessity of a constant eye over the actions of ignorant and reckless men, and constant rebukes for negligence. They have no mental firmness or self-control against indulgences. For instance, if you send a boat with four men on shore, three uneducated and one educated and orderly, if there is delay, it is odds that the three ignorant men are found drinking in the first public-house, and the better educated and trained man in the boat, as attentive as he can be in such company to his duty. These circumstances are of constant and daily occurrence, and a large portion of the immense maritime loss which the country annually sustains will be found to be traceable to the ignorance and incompetency of this much-neglected class of men, as well as attributable to other equally lamentable evils existing at present in the mal-organisation of the mercantile marine. When a general casualty happens at sea, if the ship is in danger, the first danger the captain has to arrest is from the ignorance of the men. His first anxiety will perhaps be to have the spirit-casks stove in, to prevent the men getting at them, and, if defeated in the attempt, the ignorant men will be the first to rush to get into the boats and cut them away, by which their own danger is increased. You are never free, in cases of emergency, from the dangers of panics of ignorance. Since such men are not to be acted upon by moral motives, you are compelled to flog and use other means of personal coercion."

"Seeing the pecuniary advantages in respect to certainty and safety, as well as comfort and convenience in respect to

the transaction of business, which the employment of well-trained, sober, and moral men gives,—

"Has there been no feeling manifested, no exertions made by the owners of the mercantile marine to establish mercantile schools, and to obtain a better educated class of sea apprentices and seamen for the sake of their own interests?"

"None whatever that I am aware of. On the contrary, it would almost seem such an object is discouraged, for I think that in 1819 some efforts were made to get up an institution for the elementary education of sea boys and maritime apprentices, when they come into the port of London after a long voyage (which period is the most important occasion for giving them nautical and other instruction, when they have so recently seen and felt its practical advantages), but the attempt entirely failed; although it was of such national importance no encouragement was given to it. That class of boys is entirely destitute of instruction. But the owners have no feeling in favour of education; for indeed their interests, as it would appear, are entirely the other way."

Now the single school to which I have referred, proved that puny and infirm workhouse children may be made superior to robust, but ill-educated and untrained, children of the coast for sea service—that, at an extra expense of a few shillings per head for early special training, four at the least, if not three, may be made equal in efficiency to five of the ill-educated and untrained. With an intelligent appreciation of the mere economy of service obtainable by such a mixed physical and mental training for land as well as sea service, such schools would have been eagerly supported and instituted in all the seaports, and all over the coast, by voluntary effort as well as by the anxious interposition of the shipping interest for the due general direction of the public educational means in their behalf. But the demonstration yielded of the most profitable economical as well as moral results on the class of common seamen, has been presented for years amidst a maritime community, without effect in producing, so far as I am aware, a single instance of imitation. Nevertheless, I only state the fact as demonstrative of the futility of looking to voluntary effort for any considerable amount of the amendment required, or of the pretensions that a few are apt to put forward in that behalf. As, however, we find it to be with manufacturers, so I apprehend it is with the body of the shipowners, that the increasing attention required for the successful prosecution of their own business, is so great as to preclude any efficient amount of attention to the education and special training of the men they employ.

It has been found necessary for the safety of life and property to interfere, and provide securities, for the competent education of masters of merchant ships. I submit, on such nautical evidence as I have cited, that it is also necessary for the safety of life and property, as well as on general social grounds, to interfere and provide securities for the proper education and training of the men. In the case of children and young persons engaged in the cotton manufactories, we carried it as a principle, that they ought not to be so employed as to exclude them from the benefits of education, or to subject the public to the charges, inconveniences, and evils of an ignorant class. The principle we proposed was sanctioned in that case, that education must be the condition of employment. I submit that it is *à fortiori* applicable to the employment of young persons in the mercantile navy, and may now be more easily applied. By improved teaching and mixed bodily and mental training of the sort to which I have referred, and by trained teachers, competent elementary instruction and training is imparted before the eleventh year, or by the time a boy has acquired sufficient bodily strength and aptitude to be of good use on shipboard. It should, therefore, be provided, that it should be unlawful to engage any boy on board ship without a certificate of the possession of a competent elementary education and training, given on an examination by a responsible certificated trained teacher. This would be a first practical step, and a more important one than might at first appear.

As master manufacturers, who were at first opposed to such intervention, when it was proposed by myself and my colleagues of the factory commission, afterwards, upon trial (as yet imperfect), became reconciled to it, and now advocate its extension to other occupations, so it would be with shipowners. The introduction of steam, and various mechanical improvements, is largely changing the demand, from intelligent forces, to "the intelligent directors of forces," to use Mons. Jules Simon's expression. Socially, while we have to provide against the evils attendant upon the childish ignorance of the common seaman, we have to guard against the barbarous ruffianism which most frequently breaks out abroad, in foreign ports, and in contact with foreign peoples, in the absence of control and of home restraints. On the other hand we have to cultivate those sterling qualities which distinguish the British seaman, and are denoted by the terms duty and discipline;—self-restraint, patience, steady and intelligent obedience to orders, bravery in the face of death, in storm and disaster, more even than in battle, as displayed with British soldiers as well as sailors, in such truly noble

instances as the wreck of the "Birkenhead," and in the conflict with fire and storm in the "Sarah Sands."

With better means of safety provided in better educated and trained men, responsibilities for their use may be more befittingly imposed upon owners. In respect to the whole of the existing evil, I trust we may obtain the support of Chambers of Commerce as well as of the general public, to an application to Her Majesty's Government for a commission of inquiry to revise the past course of legislation, and to prepare efficient measures of prevention as well as of repression. Members of Lloyd's have conceded to me that full insurance, that is an almost entire relief from all responsibility, ought not to continue; and I would accept any concession. But, from continued observation, I am more confident than heretofore, that entire self-insurance is the great principle to be promoted. This, it is to be hoped, may be done by means of large voluntary organisations of joint-stock companies, which shall be self-insuring; such as the two great companies to which I have referred. In these there are well-appointed and well-paid commands, and the elements for the improvement of the common seamen. Such organisations may, it is to be hoped, eventually comprehend the great bulk of the mercantile marine. A company, or companies, which should supersede the small capitals of low, ignorant, narrow-sighted owners, of the old, ill-formed, ill-manned, small coasting vessels and colliers, that occasion so large a proportion of the fatal wrecks and disasters on our coasts, would be a gain to commerce, and a great gain to humanity. Meanwhile, let passengers or emigrants, if two vessels are offered to them, inquire, and if one be insured, and the other uninsured, or self-insured by the owners, prefer the self-insured to the one that is fully insured—to the one in relation to which the motives have been weakened for the exercise of the care and vigilance on which the safety of their lives depends.

I now turn from this topic of marine insurance, and of our external system of maritime communication and commerce, as affected by shipwreck and loss of life, and shall endeavour to bring under your consideration the subject of the security of stocks, and goods, and manufactures, and commerce, as affected by danger from fires, and also the loss of life occasioned under existing conditions, from the unguarded practice of insurance. This was brought specially before me by inquiries which I have had to make for provisions of additional securities by Building Acts, and by supplies of water, against the loss of goods in warehouses and in houses, and against the losses of lives in towns, which are of horrible amount, and of undiminished frequency,

and appear to be increasing. I found that wilful fires, for the sake of insurance money, are far more frequent, especially in the metropolis, than is commonly supposed. Indeed, I found that detections and prosecutions of extensive crimes committed for the sake of insurance money may be said to be almost accidental. In answer to my inquiries of Mr. Braidwood, the late superintendent of the fire brigade in the metropolis, and from the best means of information possessed on the subject of the property insured there, I found that only about one half in *value* is insured. As, however, the larger masses of property in goods or warehouses are insured, it would follow that less than half the *numbers of properties* are insured. But, on looking over the fire returns, I was struck with the fact that two thirds, or 71 per cent. of the warehouses and contents were insured. How was this! that apparently most properties were lost, on which, according to the common theory, most prudence and care had been exercised by insurance? I never, if I can help it, adopt any important conclusions from statistics, without inquiring into the particulars which those statistics represent. I therefore interrogated Mr. Braidwood as to how, on any doctrine of chances, there could be more burnt of insured than of uninsured properties? He was extremely reluctant to give any public answers, and he spoke to me privately upon them; and what he said will now no longer compromise him. His restraint was fair, because officers conversant with classes of cases see more, and can judge of evidence in respect to them better than others, and arrive at sure conclusions themselves, which they may not be prepared always to establish by full technical evidence. His admission, or declaration, was that the difference was not accidental; that the brigade were regularly occupied in preventing the spread of fires, a large proportion of which they knew were wilful. They came to their conclusions from *primâ facie* circumstantial evidence, as to the times and modes of the fires, the recency of insurance,—the parties named being in debt or straitened circumstances,—suspicions as to the quantities of the stock and furniture consumed,—full and high insurances of old tumble-down or inconvenient premises,—the immediate production of well-matured and complete plans for the rebuilding of the premises, which must have been prepared before the fire. He told me that from the worthless state of some premises, and from the sorts of insurances effected upon them, he regularly expected to be called upon to prevent the spread of fires from them. Mr. Payne, the Coroner of the City of London, for a time held inquests upon fires, and he gave us evidence that he found that about twenty-three per cent. of them were clearly wilful; that one half of the

remainder were from apparently accidental causes, and the other part from causes unknown, including suspicious causes. These facts gave strong confirmation of the indications presented by the statistical returns, as to the causes of the excess of the insured over the uninsured property burned. The increasing frequency of destructive fires at Liverpool some time ago, led to a close inquiry into their causes, by Mr. Rushton, the stipendiary magistrate, when he was led to the conclusion that a considerable proportion of them were wilful; the offences were often committed to conceal extensive depredations, by servants, or persons in charge of warehouse property.

Of the conditions which are conducive to the spread of fires, I found that there were two—insufficient supplies of water, and loss of time in getting at it; and the loss of time in sending for fire-engines, and bringing them to bear. To meet these defects—as also for giving fresh supplies for household purposes, and doing away with butts and the keeping stagnant water in cisterns, in which it is always deteriorated—I proposed with my colleagues, that water mains should be kept constantly supplied at high pressure for immediate application, simply by attaching a hose to the main near the door, and bringing a jet of water to bear at once for the reduction of fires. The daily use of the hose and jet for cleansing the streets, as in Philadelphia and other cities, and as is now coming into use in Paris, on the method we suggested, would have the collateral advantage of an apparatus always ready for the extinction of fires. Of the sinister influences prevalent in the House of Commons, in support of the trading water companies, which prevented its being adopted for the Metropolis, it is not the occasion to speak. But our recommendations were carried out at Hamburgh, by Mr. William Lindley, the eminent engineer, who planned and executed the rebuilding of that part of the city which was burned down at the great fire there. In the course of some evidence he gave the following, which is highly pregnant and important in its bearing on the system under consideration.

"Have there been fires in Hamburg in buildings in the portion of the town rebuilt?"

"Yes, repeatedly. They have all, however, been put out at once. If they had had to wait the usual time for engines and water, say 20 minutes or half an hour, these might all have led to extensive conflagrations."

"What has been the effect on insurance?"

"The effect of the rapid extinction of fires, has brought to light, to the citizens of Hamburgh, the fact, that the greater proportion of their fires are the work of incendiaries, for the sake of the insurance money. A person is absent; smoke is

seen to exude; the alarm of fire is given, and the door is forced open, the jet applied, and the fire extinguished immediately. Case after case has occurred, where, upon the fire being extinguished, the arrangements for the spread of the fire are found and made manifest. Several of this class of incendiaries for the insurance money are now in prison. The saving of money alone, by the prevention of fires, would be worth the whole expense of the like arrangement in London, where it is well known that similar practices prevail extensively."

The unguarded extension of the practice of insurance, instead of being an extension of the means of security, really involves the extension of danger, and an extension of the practice of incendiarism. A tax on insurance, instead of being, as a company director, in the House of Commons, assumed it was, a tax on safety, is, in the present condition of insurance, in reality a tax on danger. The measures I suggest for consideration as preventive are, first—discouragement, as in the case of shipping, of full insurances, or such restrictions of the amounts insured as will prevent the entire exoneration of the parties from due care. Next, as in the case of the loss of ships, every loss of a house or conflagration should be treated as, *primâ facie*, a default occasioning the loss of property or the loss of life, or endangering it, and endangering the public safety, and should be the subject of a competent and independent judicial examination. Thirdly, in all these cases, public prosecution should be provided against proved defaults. It is an opprobrium of our whole system, to leave the prosecution of the public interests to be charged upon traders, who have already been subjected to the loss of money and time, and to annoyance. These provisions could not fail to lead to the adoption of mechanical appliances, such as the great one to which I have adverted, of a constant supply of water at high pressure; for which purpose, however, it is requisite that water should be supplied, not as a trading monopoly, for a profit, but as a responsible service to the public at the mere cost of the service. Warehouses, as explained by Mr. Braidwood in his evidence, are constructed with little regard to the prevention of the spread of fire. He fell, poor man, in his efforts to prevent the destruction of an immense building of the sort of which he had, in his evidence when I examined him, given forewarning. Houses, in towns, are constructed as if to burn, and prepare for the suttees which regularly occur in London; with staircases—instead of tile, or stone, or brick—made of wood, so as to lead the fire upwards, to burn those for whom no escape has been provided. Some recent model dwellings have gone far to prove that incombustible constructions may be provided even

more cheaply than combustible constructions. But, as I showed in my address at York, it is rare that any improvement is made or extensively adopted, except under a pressure of distress or necessity. In respect to the construction of warehouses, we had distinct evidence, which I believe is applicable to the construction of blocks of dwelling-houses, that the present unguarded practice of fire insurance operates to the reduction of the salutary pressure for amendment, and the feeling of the necessity of preventive constructions. Mr. Godwin, our colleague, the editor of the *Builder*, and representative of the architectural arts, tells me that it has long been his conviction that the present practice of insurance is detrimental to architectural improvement.

In corroboration of the general principles which I have advanced, as also for itself, I have now to advert to the evils of unguarded assurance in the remaining branch of the great insurance business;—that for the insurance of lives.

In treating of these subjects, however guardedly, we are exposed to explosions of passion from interested parties, from assumptions that the partial evils treated of go to the root and foundation of an institution substantially beneficent. It were unnecessary for me to guard against such assumptions by eulogies of the great social virtues of prudence, self-denial, kindness, elevated domestic feelings, fostered by life assurances. I am treating these questions before those to whom the proper and obvious qualifications and limitations of the main propositions I have to submit will suggest themselves, without any statement of mine. I had, some years ago, to make some inquiries in relation to the operation of the lowest class of insurances, and, in connection with provisions for the destitute, those by means of sick clubs and burial societies. When I put forth in my reports a part of the evidence disclosed to me, showing that the practice of secret murders, and the neglect of children, had taken root and was spreading for the sake of burial money, it excited much surprise, and gave much pain to many eminent benevolent persons, and amongst them, to the distinguished contributor to Social Science, the late Rev. John Clay, the chaplain of the house of correction at Preston, where burial clubs were very numerous. He closely investigated the subject, when he was constrained to admit and declare, as he repeatedly did, that the extent of the evil had been understated. Close and sustained investigations into the sources of crime, establish the general conclusion that given the profit, given the opportunities or temptations, by exposures or want of precautions, for obtaining it by crime—you may confidently assume the existence of the practice of the

crimes, and that it is in default of investigation if they are not detected. On careful consideration, it will be found that it is in default of legislation and public administration if they are continued. The disclosures, from time to time, in our courts of law of systematic poisoning for the sake of burial money or other insurance money—such cases as that of the hag, the systematic poisoner in Essex—the Palmer case, the Pritchard case—are symptomatic of deep-seated disease. Investigations with sanitary objects have made it clear, that the verification of the cause as well as the fact of death on the spot, and previous to interment, by a competent and responsible medical officer of health, would be of great importance for the prevention of the spread of disease amongst the living;—for promoting the removal of causes of continued fevers, or repeated cases of sickness and of preventible death, that there may be about premises which it is not within the province of the private practitioner to deal; as well as for the advancement of medical science, and for putting the registration on a better footing for the proof of succession. In the investigation of the evils of intramural interment, it appeared that the services of such an officer are necessary, in important classes of cases, for promoting the care and the early removal of the dead—especially in the case of deaths from infectious diseases—from amidst the single rooms in which full 60 per cent. of the labouring population in the metropolis and other cities live, in which families have their meals, and are born, and are sick, and die.

I mentioned this last proposed branch of service for such an officer,—as if it were the chief function proposed,—to several respectable tradesmen, who had for a long time carried on extensive business as undertakers, when they each, independently, volunteered the suggestion that I had understated the need of such an officer, by omitting to represent the highly important services he would render by preventing the continued practice of secret murder. They severally declared that, every now and then, they had to close down the coffin-lid on what they called "a foul case," namely, a case in which they believed the death had been brought about by foul means. This they inferred, from the condition of the body—in some instances from its freshness, in other instances from actual marks of violence; facts, commonly combined with the suspicious behaviour of the parties having charge of the body in or about the place, of which their practice enabled them to form a judgment, though that evidence might not convince inexperienced persons, or be deemed sufficient as ordinary technical evidence. By directors of life insurance companies, I was informed of the occurrence of extremely

suspicious cases, in which they paid the insurance money, rather than pursue investigations, with the view to public prosecutions. Here again arises the opprobrium of our legal system; the dereliction of the duty of public prosecution, which, besides throwing the labour and expense of a public service upon men of business, subjects them, moreover, to the imputation of getting up prosecutions to resist just claims. The course taken by the insurance companies has, I am informed, frequently been to dare the imputed delinquent insurer to prosecute his claim, for if he did it would be resisted, and his criminality displayed to the world. I am told that the records of the insurance companies contain proofs of more than one vast scoundrel, who has gone at large, and even got into parliament, into political party, who has begun his career with a fire; and they point at one who has gone to his account, who got into political party and into public office.

The occurrence of cases of secret murder for insurance money in France, has led a distinguished jurist and colleague of the Institute, "Dupin l'aîné," to consider the practice of life insurance, and to condemn the unguarded condition in which it has been allowed to go on.

In some of the old crowded towns of the Continent, the immediate removal of the dead from amidst the living, and their burial within twenty-four hours, was enforced. This led to horrible alarms through society of premature interments. To abate this feeling, officers of health were appointed to inspect the bodies, and to verify the fact of death. And that service has continued, and has, I am assured, prevented the practice of secret murder.

I believe that the independent and responsible verification of the fact as well as of the cause of death, so much needed for the protection of the public health, for the promotion of medical as well as sanitary science, would be the most effectual means of checking and preventing the practice of secret murder, which, even in these times, has undoubtedly taken root in this country. Under a mere perfunctory performance of such a duty, a single case might possibly escape, but certainly not the series of cases which have marked the careers of most of the poisoners who have been detected chiefly accidentally, and brought to punishment.

The extension of the governmental provisions for assurance, by Mr. Gladstone's Act, was viewed with considerable apprehension by many persons conversant with the business of life insurance, from a knowledge of the extensive frauds now practised, and from the belief that fraudulent practices would be increased under the governmental administration. Admitting

that possibility, I nevertheless advocated that extension, in the confident expectation that it would check the injurious practices, by bringing them under authoritative notice and prevention. I only regret that the provisions of Mr. Gladstone's Act were not extended, so as to give the lower middle classes, at the least, the advantages of improved safeguards. Such an extension would, I conceive, have an important effect in repressing the extension of the evils of unguarded insurance, to be apprehended, by the increasing competition of new companies for life insurances; for that competition multiplies capitals, buildings, offices, services, in the field of service, which experience shows is a course detrimental to economy, as well as security. The competition is too commonly pursued by the payment of large commissions—*douceurs* to obtain business, involving laxity in the acceptance of diseased and doubtful lives, the efforts to obtain business by declaring extravagant bonuses, and consequently to anticipate profits not yet realised, and to keep insufficient reserves to meet claims. The history of the winding-up companies would serve to show that waste is to be apprehended; as I think other evidence shows that it will be attended by an extension of crime, if unguarded by a commensurate extension of securities.

Amongst the higher classes there is, comparatively, little temptation to the crimes last in question, and much security of publicity, and of other social securities against it. But the greater obscurity of individual lower class life is favourable to the extension of the crimes, and there are sharper necessities acting as temptations, which require additional safeguards against it.

Those classes who do not feel the necessity of any protection for themselves, are apt to oppose any general measure which shall give security to others; and assume that the examination proposed would be minute, and of a public character. It would be as it is abroad; and the officer would come, and perform his office, without necessarily seeing more than the nurse; leave his certificate for interment, and depart quietly—the result, so far as publicity is concerned, being an undistinguished unit in the Registrar-General's returns, except on rare occasions, for close inquiry. Special officers would seldom be required for the particular service. It is needful that the general service of medical officers, and of the medical officers of health, be made independent of private practice, and the verification of the cause of death might be made an incident of such general service. Those who object to the measure proposed, may be asked whether they prefer that the opportunities, the temptations, of the practice of secret murder,

should continue; whether, moreover, what are deemed blameless causes of disease and death, which the public have an interest in knowing and preventing, shall continue to prevail and pass unnoticed? And, if their objection is only to the preventive measure proposed, what other have they to propose?

Crime, fraud, comes within the province of the economist and of our department, as involving the reductions of values from insecurity, from the labour of verification, as well as direct waste from mere spoil and destruction. The costs of shipwrecks are in various ways, as well as by extra premiums, thrown upon the consumer; and they amount with us to a tax of several millions per annum, which has its effect in reducing consumption, from the augmentation of prices. The extra risks of fire insurance are additions to rents. The frauds in life insurance are stated to be so frequent in Ireland, that respectable offices charge extra premiums on all Irish lives. Thus, the frauds of the dishonest, occasioned by unguarded insurance, are charged upon the honest insurers in Ireland. Unguarded insurance is the greatest tax on safety. The aggregate of these losses will establish a large case for the securing of efficient public measures and agencies of prevention.

Horrible shipwrecks, frightful conflagrations, terrible murders, seem only to supply a passing and depraved inconsequential excitement. That such events may occur again and again, and pass without any earnest consideration, or any action upon them, would seem to denote a low social and political condition. The very statistical returns from year to year are brutalising, by creating an almost Turkish impression of the fatalism of the vast evils recorded. It is to be hoped that this Association, which has already, though in its infancy, promoted inquiry and beneficent action upon some great topics, may do something on these, and aid in staying immense and increasing waste, as well as immense crime.

SELECT PAPERS,

NOTICES OF PAPERS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

Report of the Standing Committee of the Department.

ACTS OF PARLIAMENT.

THE following Acts which refer to the special objects of this Department were enacted during the last session of Parliament :—

Costs of Private Bills, 28 & 29 *Vict.*, *c.* 27.—This Act contains an important provision in respect to the machinery of Private Bill Legislation. It provides that when the Committee on a Private Bill decide that the preamble is not proved, and unanimously report that any petitioner against the Bill has been unreasonably or vexatiously put to expense, such petitioner may recover his costs from the promoters. Also, that when the Committee decide that the preamble is proved, and unanimously report that the promoters of the Bill have been vexatiously subjected to expense by any petitioner against it, the promoters may recover costs from such petitioner. The costs are to be taxed by the taxing officer of the house, and when taxed, may be recovered by action of debt in any superior court.

Law of Evidence and Practice on Criminal Trials, 28 & 29 *Vict.*, *c.* 17.—This Act, *inter alia*, assimilates the practice in criminal trials with respect to speeches of counsel, to that existing in civil proceedings, thus giving to the counsel for the prisoner the right of summing up the evidence after calling witnesses for the defence. This measure was strongly recommended at the opening meeting of the Department, in November, 1864, when Mr. Denman, Q.C., undertook to introduce a Bill for the purpose. He did so in the next Session of Parliament, and the Bill passed into law.

Concentration of the Courts of Justice, 28 & 29 *Vict.*, *caps.* 48 & 49.—These Acts have been passed for the purpose of concentrating on one site, between Carey Street and the Strand, all the superior courts of law and equity, with their offices. The first of these Acts provides the funds (£1,500,000) required for the purpose; 1, by a sum of £200,000 to be provided by Parliament, being the estimated value of the present courts and offices, which revert to the

public; 2, by a sum of £1,000,000 out of the "Surplus Interest Fund," which fund was formed by the surplus interest on monies placed out for the benefit of suitors in the Court of Chancery; 3, by a contribution in the nature of a redemption annuity, payable for a term not exceeding 50 years, to be raised by fees on suitors and processes in the new courts and offices other than the Court of Chancery. This Act also provides for the appointment of a Commission to regulate the plan and arrangements of the intended building. The second Act makes the necessary provision for the acquisition of the site.

These enactments carry out an object long advocated by the Association and the Law Amendment Society, and they were vigorously supported during the last Session by this Committee, and at their request by the Council.*

Law of Partnership, 28 & 29 *Vict. c.* 86.—This Act provides that a loan to a person engaged in trade, upon a contract in writing that the lender shall receive a portion of the profits, or a rate of interest varying with the profits, shall not of itself constitute the lender a partner. Other sections contain a similar provision in respect to the remuneration of servants or agents of traders, and annuities to widows or children of deceased partners, out of the profits of trade. It is provided that in case of bankruptcy the lender shall not recover any portion of his principal, or of the profits or interest, until the claims of the other creditors for valuable consideration have been satisfied.

This measure, which is virtually an abolition by Parliament of the principle laid down in *Waugh* v. *Carver*, that he who shares profits must necessarily share losses, had for many years been advocated by the Law Amendment Society.† Bills to effect the object had on several former occasions been introduced into the House, but had failed owing to their being encumbered, either by their authors, or in the shape of amendments, with provisions for registration. The Law Amendment Society was always opposed to such provisions, and when during the last Session the Bill that is now law was threatened with similar alterations, the Standing Committee, supported by more than one meeting of the Department, made strenuous efforts to resist the proposed clauses, which were finally rejected. The Act, it may be observed, is an important though indirect extension of the principle of limited liability.

Record of Title (*Ireland*), 28 & 29 *Vict.*, *c.* 88.—This Act carries out for Ireland an improvement advocated in the Association from the first year of its existence. Ireland has long had a court which can give to the seller and buyer of land the boon of a clear title; what has been wanting is, a means for keeping clear the title thus

* For an account of the proceedings of the Council on this matter, see the Introduction to this volume.

† In 1854 the Society sent a deputation to the then President of the Board of Trade, to urge this subject on the consideration of the Government. A report of the deputation will be found in the papers of the Society. *See* also *Transactions*, 1864, p. 114.

investigated.* This is now supplied by an enactment prepared in accordance with the views of the Registration of Title Commission, and with the plan actually at work in South Australia. A record of titles to land is established, and any title which has been investigated by the Landed Estates Court may be placed on the record, where it will be kept clear and indefeasible, and be transferable to a purchaser by a simple method. So far as Ireland is concerned, the question of transfer of land is settled, and the Committee trust that a similar benefit may be extended to England, where Lord Westbury's Act has been found nearly inoperative, owing to its complexity and errors. It should be added, that the promoters of the Irish Act are under deep obligations to one of our members, Mr. R. R. Torrens, the originator of the South Australian system, and Registrar of Titles in that colony, for his zealous co-operation.

County Courts Equitable Jurisdiction, 28 & 29 *Vict.*, *c.* 99. This Act confers on the County Courts an equitable jurisdiction to the extent, speaking generally, of £500, with an appeal to a vice-chancellor. During the passage of the bill through Parliament, its provisions were carefully examined by the Committee, and several of the suggestions made by them, especially as to the mode of remunerating the judges, were embodied in the measure by the House of Lords.

BILLS.

Law of Evidence.—A report prepared by the Committee of this Department during the last spring recommended that the following amendments should be made in the law of evidence :—

"First: That persons charged with a criminal offence should on their trial be permitted if they think fit to tender their own evidence on oath in order to clear themselves of the charge against them, subject to their cross-examination.

"Second: That husbands and wives should be competent and compellable to give evidence for or against each other in criminal as well as in civil cases.

"Third: That all parties, including husbands and wives, to a suit of whatever nature, should be competent and compellable to give evidence bearing on the issue, for or against each other.

A Bill embodying these suggestions, together with other provisions, was introduced into the House of Commons by Sir Fitzroy Kelly at the commencement of the Session; but its further consideration was repeatedly postponed, and when at length a discussion was obtained on its clauses, the leading provisions were negatived by the House, and the Bill itself was consequently withdrawn. The Committee must express their great disappointment that several of the amendments proposed by this measure, more especially that for admitting the evidence of the parties in divorce cases—a change recommended by the high authority of Sir James Wilde—have been postponed for another year, and have received so little encourage-

* See *Transactions*, 1858, p. 199.

ment from the law officers of the Crown. The arguments against the admission of the parties in all civil cases of whatever nature, are the same as those which were urged at the commencement of the reform of the law of evidence, and as those with which Lord Brougham's measure of 1849 was encountered; arguments the fallacy and error of which have been long since refuted. The exclusion of the parties in divorce and breach of promise cases is, in fact, a violation of the cardinal maxim of the law of evidence, namely, that the best evidence produceable shall be given; inasmuch as this exclusion bars the testimony of those who can give the most direct and explicit account of the transactions which form the subject of inquiry.

Justices of the Peace Procedure Bill.—This valuable measure, prepared by our fellow-member, Mr. G. C. Oke, and designed to consolidate the whole procedure before justices of the peace out of quarter sessions, was again brought before the House of Commons during the last session, but was withdrawn in consequence of the opposition of the Government.*

REPORTS, &c.

Bankrupt Law.—The report recently presented to the House of Commons by a Select Committee substantially recommends the adoption in England of the Scotch system of bankrupt law, which may be briefly summed up in the following principles; that the judicial and mercantile business of the bankruptcy shall be kept distinct—that the mercantile part shall be administered by trustees chosen by the creditors—and that the judicial part shall be vested in the ordinary local tribunals. The extreme dissatisfaction with the existing system which seems to pervade the whole commercial class will make some considerable change imperative, and the Committee venture to express their hope that before that change is made, the whole question may be discussed in a broad and temperate spirit, with a view to the interests of the community, apart from the interests of any class or profession. They think it necessary to add that no system, either of bankrupt law or of any other branch of our national jurisprudence, can work well, however sound the principles on which it may be founded, unless integrity of administration is observed by its officials, and be watchfully enforced by public opinion.

Patent Law.—The Royal Commission on this subject has reported, concluding with the following recommendations:—

1. Your Commissioners do not find that the present cost of obtaining letters patent is excessive, or the method of payment inconvenient; they do not therefore recommend any alteration of the present system on those points; but they think that patent fees should not be made to contribute to the general expenditure of the State until every reasonable requirement of the patent office has been satisfied.

2. They are unable to recommend a preliminary investigation into the merits of the invention for which a patent is claimed; but they advise that a careful

* See *Transactions*, 1864, p. 113, and 1862, p. 146.

inquiry be instituted under the direction of the law officers of the Crown as to whether there has been any previous documentary publication of the invention, either by grant of letters patent, or otherwise; and if such publication have taken place, that the patent shall be refused.

No evidence other than such documentary evidence should be admissible, and the reasons for the refusal to grant the patent should be certified by the law officers; an appeal from their decision should lie to the Lord Chancellor.

3. Your Commissioners are of opinion that the present mode of trying the validity of patents is not conducted in a satisfactory manner. That such trials ought to take place before a judge sitting with the aid of scientific assessors, but without a jury, unless at the desire of both parties to the suit or action. That such assessors ought to be selected by the judge in each case, and the remuneration to be paid them be included in the costs of the suit or action, and provided for in such manner as the judge shall direct.

That no special judge be appointed for the trial of patent cases, but that the judges of law and equity be empowered to make rules by which one court should sit for trial of patent cases exclusively. That on such trial the judge, if sitting without a jury, decide questions of fact as well as of law.

4. That the granting of licences to use patented inventions ought to be made compulsory.

5. That patents ought not to be granted to importers of foreign inventions.

6. That in no case ought the term for which a patent is granted to be extended beyond the original period of 14 years.

7. That in all patents hereafter to be granted a proviso shall be inserted to the effect that the Crown shall have the power to use any invention therein patented without previous licence or consent of the patentee, subject to payment of a sum to be fixed by the Treasury.

8. While, in the judgment of the Commissioners, the changes above suggested will do something to mitigate the inconveniences now generally complained of by the public as incident to the working of the patent law, it is their opinion that these inconveniences cannot be wholly removed. They are in their belief inherent in the nature of a patent law, and must be considered as the price which the public consents to pay for the existence of such a law.

Digest of Law.—The recommendation made at the York Meeting by the then President of the Department, Sir James Wilde, that a digest of the case law of England should be formed and promulgated by authority, has occupied the attention of the Committee. During the session in London, a paper was read by Mr. F. S. Reilly, pointing out the form which such a digest should take, the best mode of framing it, and the uses to which it might be put. The Committee are not aware that any decided steps have yet been taken by Government to accomplish this great object, though they see that a sum of £5,000 has been recently granted by the House of Commons, for the purpose of digesting the law of England, which they trust may be regarded as a sign that the work is about to be commenced. The kindred task of expurgating and revising the Statutes is being proceeded with, and thus the materials for the ultimate formation of a code may be gradually brought together. It may be observed, that the New York Commissioners, to whose valuable labours this Society has often had occasion to refer, have recently issued a Draft Civil Code, under the superintendence of our corresponding member, Mr. David Dudley Field. The completion of such a work in a country which inherited the English common law and system of procedure is an encouragement to those who believe in the possibility of digesting, consolidating, and finally codifying our laws.

Law Reporting.—The Committee mentioned in their report to the Department at York, that a scheme had been prepared by a committee appointed by the Bar of England assembled in Lincoln's Inn Hall, for bringing the whole system of Law Reporting under the control of a council of the Bar; and that the further consideration of the scheme had been adjourned. At an adjourned meeting of the Bar, held on the 28th day of November, 1864, the report of their committee was finally approved, and since then a council has been elected to carry out the scheme, which will come into operation in November (1865).*

Criminal Law.—Some suggestions made by Mr. G. H. Palmer for the amendment of the law of appeal in criminal cases were considered by the Committee, who concurred in the opinion that the present system of revising the decisions of our criminal courts by the interference of the Home Office is unsatisfactory, and that the law ought to afford to every person convicted of an offence the means of bringing under judicial consideration any fair grounds for submitting the charge to a second investigation. The Committee were of opinion that this improvement in the law might be best carried out on the following plan:

"That any person convicted of treason, felony, or misdemeanor, should be entitled to apply for a new trial, and such application should be made by motion before a court composed of not less than three judges of the superior courts; and that the said courts should sit at intervals of not less than one month throughout the year; but that no such application should be made, except upon the certificate of the judge who shall have presided at the trial, that the case is one for such an application.

"That if an application for a new trial be granted, the accused should have the option of being tried before the court which shall have granted the new trial (provided the court will consent to such an arrangement), or before a jury, as in the case of new trials in civil cases.

"That if the accused elect to be tried by the court which has granted the new trial, that court should have the power of summoning and examining witnesses on oath, and all the power, jurisdiction, and authority exercised by the court before which the accused was originally tried."

Treatment of Criminals.—The results of recent improvements in the treatment of criminals, improvements which were largely promoted by the labours of this Association, have been watched with

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* *See Transactions*, 1864, p. 114. Since this report was prepared the council have commenced the work. A staff of editors and reporters were appointed in October last, and the first number of the new "Law Reports" was issued on January 1, 1866. The expenses are guaranteed for a certain period by the four Inns of Court, but it is believed that they are already covered by the circulation. The success of the plan is therefore assured, and the long-standing nuisance of a multiplicity of reports of the decisions of the judges may be considered as abated.—Ed.

anxiety. The Committee are happy to say that there is sufficient evidence that these results are in the highest degree satisfactory. The mark system is in operation in all the Government prisons; and superfluities in diet have been reduced, by which it is estimated that a saving of £25,000 for this year will be effected.

The Committee are also happy to be able to state, that the recommendation of the Reformatory Section at the York Meeting in favour of providing refuges for female convicts has been carried out, in so far that Government has agreed to pay for the maintenance of female licence-holders in such establishments. Exertions are now on foot to establish an institution in London, to be called the Carlisle Memorial Refuge, for their reception.*

This Department, on the recommendation of the Committee, has been divided by the Council into three Sections; for International Law, Municipal Law, and the Repression of Crime.

INTERNATIONAL LAW.

LAW OF AFFREIGHTMENT.

IN consequence of the success which attended their efforts to promote the framing of a uniform international law of General Average by means of an International Congress convened for that purpose,† the Council of the Association resolved to summon a similar Conference at the Sheffield Meeting, to consider the feasibility of establishing an International Law of Affreightment.

A *Projet de Loi* had for this object been prepared by M. Engels and M. Van Peborgh, the representatives of the Belgian Government at the York Congress, and their proposed measure was sent by the Council, together with the subjoined circular,‡ to Chambers of Com-

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* The institution was opened in August, 1865, and has received up to the present time, Feb. 1866, 66 inmates.

† The First General Average Congress was held at Glasgow, in October, 1860; the Second at London, in June, 1862; the Third at York, in September, 1864. *See Transactions*, 1860, p. 290; 1861, pp. 733, 791; 1862, p. 902; 1864, p. 316.

‡ *National Association for the Promotion of Social Science.*

1, ADAM STREET, ADELPHI, LONDON, W.C., *July* 1, 1865.

SIR,—The success of the Congress for the promotion of an international law of General Average has encouraged the hope that similar advantages may flow from a Conference upon the still more important though less intricate question of freight.

Messrs. Theodore C. Engels and Edouard Van Peborgh, the able representatives of the Belgian Government at the York Conference, have drawn up a *projet de loi* in nine clauses, two copies of which are here annexed.

[illegible] and similar bodies, in the United [illegible] and America.

[illegible] on October 4, 1865, and [illegible] Law) of the Department of [illegible] of the Law. Sir Robert Phillimore, [illegible] the Department, took the chair.

[illegible] was considered paragraph by [illegible] finally agreed on. A dif- [illegible] the Meeting as to the [illegible] paragraph was passed, and both [illegible] are therefore printed below; the first being [illegible] president and representative at [illegible] Chamber of Commerce, in his report to [illegible] M. Engels and M. Van [illegible] Government.

[illegible] AGREED TO BY THE CONFERENCE AT SHEFFIELD, [illegible] 1865.

[illegible] that freight should not be due [illegible] delivery of the cargo at [illegible] a special agreement is made to [illegible]

[illegible] the ship, in consequence of the [illegible] any default on the part of the [illegible] unseaworthy, and not in a state to [illegible] shall act as the agent for all con- [illegible] shall forward the cargo to its [illegible] and in this case he shall, upon [illegible] of the freight due under the [illegible] although in consequence of [illegible] the goods have been transported [illegible] the captain of the original vessel is liable for [illegible]

[illegible] forwarding freight is equal to or greater [illegible] can claim no freight, but the [illegible] for the whole of the forwarding [illegible]

[illegible] your body will return to them at your early [illegible] first, whether each clause [illegible] law? Secondly, whether [illegible] as to their views of what the [illegible] ought to be the law.

[illegible] the meeting of this Association on [illegible] your body will be represented.

[illegible] that the reason that a Bill for General Average has not yet been brought into Parliament, is that Her Majesty's Govern- [illegible] with the French Government, with a view to simul- taneous action. I am, sir, yours obediently,

GEORGE W. HASTINGS, *General Secretary.*

If the captain does not forward the cargo he has not any claim for freight.

The system of *pro rata* freight is entirely abolished.

III.—If the owner of the cargo, or any part of it, wish to withdraw it before the termination of the voyage, in spite of the offer of the captain to forward it to its destination, such owner, upon taking delivery at an intermediate port or place, shall be liable for freight for the whole voyage, and shall give good and sufficient bail for any general average, salvage, or other expenses which may attach to the same.

IV.—No freight is due upon goods jettisoned or sacrificed for the common benefit, and for those sold to raise the necessary funds for defraying expenses incurred for the common benefit; but the owner has a claim on general average for all loss of freight caused by such sacrifice.

V.—No freight is due upon goods lost by perils of the sea, nor for those taken by public enemy or by pirates.

Nor upon any goods sold or destroyed in consequence of perils of the sea, in any port or place other than the port of destination.

VI.—If the captain save the goods from shipwreck, or if he recapture them from the enemy or from pirates, and if, being in a state to be transported to their destination, he delivers them, then he shall be entitled to the whole freight; if not, he shall be entitled to none, but without prejudice to his claim for wages and expenses while engaged in recovering the goods.

VII.—The total freight is due upon delivery of the cargo at the port of destination, although diminished or deteriorated by perils of the sea, if the consignee takes delivery, and in this case the consignee is bound to take delivery of all consigned to him by the same bill of lading, or, when goods are in bulk, by the same ship. If the consignee will not take delivery, the captain, after due authorisation, may sell such goods to pay his freight, and for any deficiency has recourse against the consignee or shipper except there be an express stipulation to the contrary. But in no case shall the captain be entitled to receive on a cargo, deteriorated during the voyage, a larger amount of freight than he would have received if the cargo had been delivered in the same state in which it was shipped.

VIII.—Advance on account of freight is always liable to be refunded in all cases involving non-payment of freight, except where it is stipulated to the contrary.

IX.—The owner shall have an absolute lien on the cargo for the freight and dead freight.

X.—The contribution of the freight to general average shall be regulated according to the first paragraph of Article X. of the York Rules.

The following is the paragraph alluded to :—

[Section X.—The contribution to a general average shall be made upon the actual values of the property at the termination of the adventure, to which shall be added the amount made good as

general average for property sacrificed ; deduction being made from the shipowners' freight and passage money at risk, of 2-5ths of such freight, in lieu of crew's wages, port charges and all other deductions, deductions being also made from the value of the property of all charges incurred in respect thereof subsequently to the arising of the claim to general average.]

EXTRACT FROM THE REPORT OF MM. ENGELS AND VAN PEBORGH.

Section VII.—The total freight is due upon delivery of the cargo at the port of destination, although diminished or deteriorated by perils of the sea, if the consignee takes delivery, and in this case the consignee is bound to take delivery of all consigned to him by the same bill of lading, or, when goods are in bulk, by the same ship. If the consignee will not take delivery, the captain, after due authorisation, may sell such goods to pay his freight, but for any deficiency has no recourse against the shipper or consignee* except there be an express stipulation to that effect. But in no case shall the captain be entitled to receive on a cargo, deteriorated during the voyage, a larger amount of freight than he would have received if the cargo had been delivered in the same state in which it was shipped.

(*) Nous pensons qu'il est de notre devoir de signaler que le projet imprimé à Liverpool, porte :

Has recourse against the shipper or consignee, au lieu de : *has no recourse*, tel que le portait notre projet soumis à la discussion.

Cette omission du mot *no* est une erreur de la part de l'Imprimeur, dans laquelle a également versé la Chambre de Commerce de Liverpool.

L'avis de plusieurs personnes qui ont assiste au Congrès de Sheffield, et que nous venons de consulter, nous confirme dans l'idée que la résolution fut votée telle qu'elle était presentée, c'est-à-dire, avec les mots : *has* no *recourse*, ce qui est aussi d'accord avec les notes que nous avons prises pendant la séance à Sheffield.

Des explications ont eu lieu entre nous et M. le Président de la Chambre de Commerce de Liverpool, qui est sous l'impression que nous sommes dans l'erreur, et qui explique que par les mots :

Consignee or shipper, on ne peut évidemment désigner que le *propriétaire de la merchandise.*

Ceci nous parait d'abord peu clair, et peut donner lieu à des ambiguités qu'il importe d'éviter en votant une loi.

Ensuite cette version même, serait contraire à tout le principe que nous avons taché de faire prévaloir, et que nous croyons partagé par la majorité, que toute responsabilité doit être limitée à la valeur même de l'objet qu'on transporte et qu'elle ne peut pas s'étendre à la fortune personnelle du propriétaire, de l'agent ou du commissionnaire chargé de l'embarquement, à moins que le contraire ne soit convenu d'avance entre parties.

Nous pensons qu'il est important que le 2e paragraphe de l'art VII. soit maintenu tel que nous l'avons proposé et tel que nous croyons qu'il a été voté à l'assemblée apérs discussion approfondie.

THE BANKRUPT LAW.*

Upon what Principle should the Bankrupt Law of England be Amended? By GEORGE MOFFAT, M.P.

THE first difficulty experienced in any attempt to measure the magnitude and importance of the bankruptcy question may be found in the fact that the unsatisfactory results of its existing enactments scarcely appear to create a ripple on the surface of the smooth stream of commercial prosperity.

Critical reformers, who delight in unmasking abuses, in exposing slothfulness in the Church, wasteful expenditure in the administration, confusion and darkness in the legislative code, scarcely glance at the mighty drain upon the mercantile energies of the country, attributable to the existing state of the law in regard to insolvency; and the reforming press, so ready to denounce the numerous holdings of pluralists, the waste of public money, or the wrongs and hardships of such small matters as street music, is generally silent upon a question which stands apart from all others in its extent and effect upon both the income and the morality of the country.

It is not easy to obtain any adequate conception of the importance of this question; the national imports and exports, annually amounting to some four hundred millions sterling, give but the faintest idea of the extent of the mercantile and trading transactions of the country. Much of this four hundred millions of value goes through numerous manufacturing processes, increasing in value, in many cases, ten to fiftyfold, and a large portion of this value passes, in the ordinary course of trade, through four or five different hands, before it reaches the consumer. These, with all the varied ramifications of barter, exchange, and speculation, fairly baffle the most patient statist in any attempt to measure the extent of the annual mercantile and trading transactions of the country; but which may be safely assumed to be equivalent to a daily return of several million pounds sterling.

But a more practical touchstone by which to test the importance of the question now under consideration may be adopted in the estimated income of the country, and the estimated cost of its annual insolvency. The net income of the country is now generally supposed to be equivalent to, at least, four hundred millions sterling, and the annual loss by insolvency, not less than fifty millions—probably considerably more.

At the first glance, there appears to be little difficulty in framing

* See *Transactions*, 1857, p. 103; 1858, pp. 135, 186, 191; 1859, pp. 206, 259-268; 1860, pp. 167-217 and 271; 1861, pp. 227, 247; 1863, pp. 188 and 247.

clear and simple regulations for the prompt and easy settlement of debts—whether you adopt the rough and frank solution of "an eye for an eye, and a tooth for a tooth," or the modern phraseology of "the right of each party to receive the par value, according to the terms of the bargain." Upon such axioms as these the settlement of debt appears to have been based, from the earliest periods of Oriental civilisation, down to the present time. But, smooth and equitable as the principle seemed to be, the need was quickly discovered of supplementing its simplicity with harsh and penal supports :—thus, a debtor of course pledged all his goods or property to the payment of any and every engagement, but it was quickly found that debtors secreted their goods, and cheated their creditors, or so arranged their payments that relatives and friends were scarcely injured, and the whole loss thrown upon unfavoured creditors; hence the laws for incarceration and punishment of debtors—peremptory and severe among the nations of the East, slightly modified by the wider and more equitable considerations that obtained in the Roman jurisprudence, but revived with singular tenacity and severity in the legislation of England, in the seventeenth and eighteenth centuries.

Sitting under the mild, easy, and slipshod rule of existing legislation, where the insolvent is usually master of the situation, and dictates to his creditors the terms upon which he is willing to commute and settle his obligations, it may surprise many to learn that within the present century the bankrupt who abstracted or concealed goods pertaining to the estate was liable to the penalty of death.

As it is expected that this question will again shortly undergo a Parliamentary revision, it may be useful here to render a brief retrospect of the legislation of England in matters of bankruptcy and insolvency.

Under the Roman law the insolvent's person originally became the property of his creditor as well as his assets; but subsequently this power over the person was remitted, but the liability of insolvents' after-acquired property to pay all debts was retained till the extinction of that empire.

The first Act in our Statute Book is the 34 & 35 Hen. VIII., c. 4, which was directed against—"'Persons who do make bankrupt,' and recited that divers and sundry 'persons craftily obtaining into their hands substance of other men's goods, did suddenly flee to parts unknown, or keep their houses, not intending to pay or restore to any of their creditors their debts and dueties, but at their own wills and pleasures, consumed the substance obtained by credit of other men for their own pleasure and delicate living against all reason and good conscience;'" and gave power to the Lord Chancellor, the great officers of state, and the chief justices of each bench, upon complaint in writing by any person aggrieved, to appoint commissioners who, in their discretion, might imprison the bankrupt, sell his goods, and divide the proceeds, "to every one

a portion, rate and rate alike, according to the quantity of their debts."

This statute contains an express provision that the creditor may sue the debtor to recover, if possible, any portion of his debt remaining unpaid, after he has received his dividend; and its operation does not appear to have been confined to traders, nor did it contain any of those highly penal clauses directed against bankrupts in later statutes. Indeed, it would appear that the objects were the summary seizure and division of the bankrupt's assets amongst his creditors, and the right to recover unsatisfied claims from after acquired property.

It seems, however, to quote the words of the next statute upon the subject, the 13 Eliz., c. 7—"That, notwithstanding the statute of Henry," those kind of persons (viz., bankrupts) "had and did increase unto great and excessive numbers, and would be like more to do, if some better provision were not made for the repression of them, and for a plain declaration who ought to be taken and deemed a bankrupt, and accordingly that statute defined the class of persons, traders, who might be made bankrupts, and the acts which should be deemed the tests of their insolvency and fraudulent intention, and provided that the Lord Chancellor, or Lord Keeper, might appoint commissioners to deal with the bankrupt's person and estate, and to pay his creditors."

This statute regarded the bankrupt as a criminal, and by it his estate was entirely confiscated, for if there were more than sufficient to pay his creditors in full, one half of the surplus went to the Crown, and it was the duty of the commissioners to distribute the other half amongst the poor. It was expressly provided, also, that all after-acquired property should be subject to the original debts.

The statute of Anne (4 & 5 Anne, c. 17), passed in the year 1705, provided, that a bankrupt who did not surrender and disclose his estate to the commissioners within 30 days, should be guilty of felony without benefit of clergy; but that, if he surrendered himself and submitted to examination and conformed to the law, and his estate paid a dividend of 8*s.* in the £, he should be entitled to an allowance out of his estate of £5 per cent. upon the amount of his net assets, not exceeding £200; but if the dividend was below 8*s.* in the £, then he should be at the mercy of the commissioners and the assignees as to the amount to be allowed to him.

This statute provided for the temporary discharge of the debtor from prison, and for his complete discharge upon his receiving a certificate from the Lord Chancellor, that he had in all respects conformed to the law.

The concealment of assets was also made a capital offence. A creditor's grievance was noticed in this Act, for the last section states that commissions were frequently executed at great expense to the estate for the eating and drinking of the commissioners, and prohibits every commissioner and other person from eating or drinking during the meetings, save at his own expense.

Numerous statutes were passed in amendment or explanation of the last-mentioned Act, and one of them made the bankrupt liable to an indictment at the sessions, and upon conviction to the pillory, for not disclosing his assets, or for fraudulently conveying away his goods.

The 6 Geo. IV., c. 16 (A.D. 1825), may be considered as the foundation of the present system of bankruptcy; under it bankrupts were no longer subjected to capital punishment, and by it nearly all the former Acts concerning bankrupts were repealed, a list of persons liable to become bankrupt was given, and the acts of bankruptcy were defined.

The jurisdiction in matters of bankruptcy still remained in the Great Seal, but the court was administered by commissioners appointed by the Chancellor; the commissioners might appoint assignees to act until the creditors appointed an assignee; the estate was managed by the assignees, and the bankrupt was discharged upon a certificate that he had conformed to the law, signed by the commissioners, and by four-fifths in number and value of his creditors above £20; or, in case the certificate was applied for later than six months after adjudication, by three-fifths in number or value, or nine-tenths in number only. This certificate required the allowance of the Chancellor, and any creditor might be heard in opposition to allowance.

By this statute the practice was continued of making the bankrupt an allowance out of his estate, which was fixed according to the amount of dividend paid, and it was provided that any surplus of the estate, after payment of the creditors in full, should be paid to the bankrupt. This was necessary, as the former statutes confiscated that surplus.

The 6 Geo. IV. contained a provision that when a bankrupt had been bankrupt before, or had compounded with his creditors, or taken the benefit of the Insolvent Act, his future effects would vest in his assignees for the benefit of his creditors, unless he had paid 15*s.* in the £. From the time of Queen Elizabeth to the year 1831, the Lord Chancellor, or the Lord Keeper of the Great Seal, had sole jurisdiction in matters of bankruptcy; but in the latter year a change was made by the passing of the 1 & 2 Will. IV., c. 56, which established for the first time a distinct jurisdiction in matters of bankruptcy.

The court of bankruptcy created by this statute was composed of one chief judge, three other judges, six commissioners, and a proper number of minor officials, including thirty official assignees. The chief judge and his three colleagues formed a separate court called the "Court of Review." The proceedings, however, were commenced under a fiat or authority from the Lord Chancellor, instead of a commission.

The commissioners presided at the meetings of creditors, and the questions which formerly came before the Lord Chancellor were brought to the Court of Review, and a certain limited right of appeal existed from the Court of Review to the Lord Chancellor.

The remuneration of the official assignees was fixed by the Lord Chancellor, and creditors' assignees were selected by the creditors.

Several Acts were passed amending or enlarging the last mentioned; and by one of them—the 7 & 8 Vict., c. 96—a trader was permitted to become bankrupt on his own petition, provided that he made it appear to the satisfaction of the court that his estate was sufficient to pay a dividend of 5*s.* in the £ to his creditors.

The Court of Review was abolished in the year 1848, and its jurisdiction vested in such one of the Vice-Chancellors as the Lord Chancellor should direct. The effect of the Bankrupt Law Consolidation Act of 1849, 12 & 13 Vict., c. 106, was to repeal all, or nearly all, the existing statutes, to abolish the original jurisdiction of the Lord Chancellor in matters of bankruptcy, and to vest it in the Court of Bankruptcy, without the four judges who had formed the Court of Review.

The appeal from this court was to such one of the Vice-Chancellors as the Lord Chancellor should appoint, and in some cases an appeal was allowed from the Vice-Chancellor to the Lord Chancellor or the House of Lords.

An accountant in bankruptcy was provided, whose business was to superintend the funds brought into court, and to make returns to Parliament at the commencement of each session; a master was provided to tax all bills of fees, costs, and charges which anyone might claim. Under the authority of this Act, the official assignees were directed to act with the creditors' assignees in the management of the estate, but the official assignee was to receive all moneys, which he was bound to pay to the credit of the accountant, the court allowing such remuneration to the official assignee as might be thought reasonable.

The fees of the court were collected by means of stamps, and the official assignees were directed to pay a certain percentage of each estate to the chief registrar's account, from which the salaries of the commissioners and all the officers were paid.

The Act of 1849 applied only to traders, and who might, or might not, become bankrupt was carefully laid down; the acts of bankruptcy which when committed by a trader would give the court jurisdiction over him, were also defined.

The bankrupt might be called up and examined by his creditors upon due notice, but it was in the discretion of the commissioners to grant the bankrupt's certificate, the effect of which, if granted, was to free the bankrupt from all debts or demands which were due at the date of the bankruptcy.

Three classes of certificates were granted; viz., that of the first class, when the commissioner was satisfied that the bankruptcy had arisen wholly from unavoidable losses and misfortunes. That of the second class, when the bankruptcy had arisen not wholly, but in part, from unavoidable losses and misfortunes. And that of the third class, when the bankruptcy had not arisen from unavoidable losses

and misfortunes; but the legal effect of the certificates of each class was precisely the same.

In certain cases of fraud, the bankrupt was not entitled to any certificate at all, and the bankrupt had the right to appeal against the commissioners' refusal to grant a certificate.

This Act provided for arrangements between the debtor and his creditors, under the control of the Court of Bankruptcy, and also for an arrangement between the debtor and his creditors without the intervention of the court, both of which were new. The assent of three-fifths of the creditors in number and value was necessary to the completion of the arrangements.

The Act contained a list of offences against the law of bankruptcy which might be committed by a trader before or after his bankruptcy, such as refusing to surrender, not delivering up his books, concealing or embezzling his estate, falsifying his books, obtaining goods on credit under false pretences, and within three months of his bankruptcy, upon conviction of which the bankrupt was subject to various punishments, according to the offence, from transportation for life, or imprisonment with or without hard labour. The principles of this Act were not interfered with by any of the three Acts subsequently passed, until the Act of 1861. Before entering upon the subject of this Act, it is necessary to say a few words upon the mode of dealing with that class of persons who were not traders, and so not within the provisions of the Bankrupts' Act. By various statutes, of comparatively recent date, persons not subject to the bankrupt laws, and who were prisoners for debt, might file an account of all their debts and assets in the Court for Relief of Insolvent Debtors, and obtain their discharge from prison by giving security to attend the court at certain times, and handing over their property (if they had any) to the provisional assignee; and a creditor, whose debtor did not obtain his discharge from the Debtors' Prison within a certain time, might obtain an order from the same court, giving the provisional assignee possession of all the debtor's property, and compel him to file his schedule of debts and assets.

In every case, except where the debtor owed less than £300, it was a necessary preliminary that he should be in prison for debt.

If he owed less than £300, he might petition himself for protection from arrest, and his goods then became vested in the provisional assignee.

The mode of dealing with the insolvent was somewhat similar to the mode of dealing with a bankrupt; he was brought up before a commissioner of the court, and examined by his creditors, and the commissioner either granted his discharge from custody, or sent him back to prison for a certain period, but ultimately he got protection from arrest, and for his goods in respect of all the debts he had set out in his schedule, filed in the court; but he was compelled to give to the provisional assignee a document called a warrant of attorney, which enabled that official to seize, for the benefit of the creditors

mentioned in the schedule, any property acquired by the insolvent after his discharge.

The creditors, as in bankruptcy, might appoint a creditor's assignee, but the assets were received and accounted for by the provisional assignee, who also declared and paid dividends.

There was this great distinction between the trader and the non-trader; the one was absolutely discharged, except in cases of fraud, by giving up his whole estate to his creditors; the other was only protected from arrest, and from the seizure of his goods for certain debts, but he was never wholly discharged from liability until every creditor had been paid in full, and the court took upon itself to mete out to him such punishment for his conduct, by causing him to be imprisoned for a longer or shorter period, as it considered he deserved.

There was another Act, familiarly known as "the Gentleman's Act," under which non-traders might obtain the benefit of the bankrupt laws by paying a composition.

The Act of 1861 had not the same laudable object as the Statute of Queen Elizabeth, viz., "to decrease the number of bankrupts," and it allows all persons, whether traders or not, by giving up all their property, if they have any—or, if they have none, by going through the form of giving it up—to obtain a complete discharge from all their existing debts and liabilities.

The *cessio bonorum* must be made in all cases of bankruptcy, but at present, as one of Sir Walter Scott's lawyers says, the *cessio* may be made although the *bonorum* have no existence.

It is true that the creditor has the poor satisfaction of attending (in London at least) perhaps the filthiest court of justice in England; and at his own expense, if the debtor has no estate, opposing every step that debtor takes towards his complete discharge; but the utmost he can do will only delay the discharge, and, before his voice can be heard in court, he must prove his debt, and by proving his debt he abandons every other remedy the law of his country gives him to recover that debt.

The Act in question subjects a bankrupt to certain pains and penalties in certain events, and the list of crimes and misdemeanours is extended, but the bankrupt takes his trial for these offences before the ordinary criminal courts.

Bankruptcy has been made cheaper by the Act of 1861; the fees have been reduced, and to some extent the proceedings have been simplified, but there still remains an endless number of printed forms to be filled up on every occasion, and also the practice of conducting business in an empty court, the head of that court, the commissioner, usually sitting in his own private room.

Under this Act a long residence in prison is forbidden to the debtor, for periodically a registrar of the court visits the prison, examines the inmates, and discharges such of them as are there for debt, making them bankrupts at the expense of the general bankrupts' fund, if they have no assets.

This Act follows the example of each successive piece of modern legislation, in making it easier for a debtor to obtain a release from his debts than before. But the law, as it previously existed between debtor and creditor, has been materially altered. If the creditor has obtained judgment against his debtor for a sum over £50, and the sheriff has seized the debtor's goods to compel payment, a certain interval must elapse before those goods can be sold, and, when sold, the sheriff must retain the proceeds for a certain period in case any other creditor may petition the court and obtain an adjudication of bankruptcy against the debtor, in which case the sheriff will pay the proceeds of his sale into the Court of Bankruptcy to form part of the estate.

The practice and procedure of the Court of Bankruptcy have been altered in many details, not forgetting that new officers have been created, and pre-existing officers of the Insolvent Debtors' Court pensioned.

New provisions have been introduced for arrangements between the debtor and his creditors. The nature of these provisions is so well known that they need scarcely be enumerated here; it is sufficient to say the design of the Act is, that if a majority in number of a person's creditors, who hold three-fourths of his entire debts, assent to any proposal he may make to them, and embody it in a deed, all other creditors must agree to the same terms; and they are absolutely barred from all other remedy against the person or property of the debtor.

Monstrous frauds upon creditors can be, and no doubt are, accomplished by the help of deeds of arrangement, and it may be some satisfaction to know that hitherto the courts of law have not found that any one of the deeds brought before them complies with the requirements of the Act; but this is a poor satisfaction to the creditor who seeks to assert his legal rights against his debtor, notwithstanding such deed, for the debtor obtains from the Court of Bankruptcy a protection against his creditor by handing in a copy of his deed, and that court does not ascertain when deeds are handed in, whether the arrangement proposed is one which is reasonable, or within the terms of the Act, but grants its protection as a matter of course, if certain details are attended to.

We have seen that the first object of the bankrupt law was to enable the creditor to obtain the debtor's property for equal division amongst the creditors; then that the bankrupt trader was coaxed into giving up all his property by an allowance out of it for himself, and a complete discharge from his debts; then that he was permitted, if his estate would pay one-fourth of his debts, to come himself and declare his insolvency, and obtain his release from his debts; and at the present moment, whether trader or not, and whether with assets or not, the bankrupt is able by an easy, and by what was intended to be a cheap process, to obtain his discharge from all his creditors, and to repeat the process, as often as he pleases.

The course of legislation has entirely altered the position of debtor

and creditor, and practically reduced to a nullity the creditor's right to expect that the debtor's continued inability to pay shall alone prevent his recovering his just debts.

Having thus travelled through three centuries of confused and contradictory legislation, ever varying and never satisfactory, the question presents itself whether the principle of legislation on this subject has not been, from its earliest period, radically wrong. It has constantly professed to do two things—first, to collect and distribute the assets in estates insolvent, secondly, to punish fraudulent debtors; and, in attempting to perform these opposite functions, the law has constantly fluctuated between extreme harshness and great lenity to the debtor, but always, and in every phase, falling heavily by its official costs upon the assets the property of the creditors; and the question arises whether objects so dissimilar can be advantageously blended? Whether it is desirable to mingle the penal and the pecuniary action? This question has been raised in his clear and concise manner by Lord Westbury, in a paper addressed by him to the chairman of the House of Commons' Committee of Inquiry into the operation of the bankrupt law, sitting in 1864. After alluding to the present system of adjudication of bankruptcy, its conflict with voluntary trust deeds, and the procedure of administration in bankruptcy, his lordship proceeds:—

"The next and third great head of inquiry as to the present system is perhaps included in the following question:—Is it not a mistake to attempt, in a system of rules for the collection and distribution of the assets of a bankrupt, to create a code for enforcing commercial morality? A very large part of the present bankrupt law relates to the manner in which a certificate or discharge shall be granted or refused to a bankrupt, to his protection from arrest, to the liability or non-liability of future acquired property, and to the punishment of the bankrupt in the event of his being found to have committed any act which the bankrupt law treats as contrary to commercial integrity. This attempt to combine the punishment of the dishonest or reckless debtor with the collection and distribution of his remaining property, is, in my judgment, a very great mistake. It has led to the most expensive and most unsatisfactory and imperfect part of the present system. I would abolish it altogether. If a man has committed a fraud, let him be punished by the existing criminal law. If that be not severe and stringent enough, make it more so, but do not attempt to administer criminal law, or quasi-criminal law, in bankruptcy. Let this be the law. On a man becoming bankrupt, grant him, on his surrender, protection from imprisonment for debt (so long as that absurdity continues), but let his future estate remain liable to his debts until he gets a voluntary discharge from his creditors. Let it be his business to obtain such discharge. If he does not succeed in obtaining a discharge from all his creditors, let him stand, as to his future estate, in the shoes of those creditors who have signed his discharge. All other enforcement of penal law, or infliction of penalties, is a mistake. At

present, two separate functions are confounded, the civil and the criminal. The Court of Bankruptcy properly has but one function, the collection and distribution of the debtor's assets, present and future. The law, as it stands, first assumes that it is its duty to provide the honest bankrupt with a discharge. It has no such duty, but having begun with this false principle, it is then entangled in the necessity of inquiring into the man's honesty or dishonesty, by artificial rules, which it has constructed for this purpose. All this is a gross mistake, and has been the fruitful source of the expense, uncertainty, and dissatisfaction that now attend the administration of the bankrupt law."

As the law at present stands, machinery is created by which estates insolvent are practically confiscated in regard to the rights of creditors, experience having painfully proved to all parties interested, that not only are the assets placed beyond their personal control, but that the collection and realisation is slow and costly, and that when the day of distribution arrives, the expenses amount to a most formidable per-centage upon the amount distributed, besides being liable to further serious diminution by the frequent heavy abstractions of officials through whose hands the assets pass. With this knowledge, and the dim perception of a certain mulct of some 30 per cent. or more occurring for the charges in bankruptcy, creditors naturally accept any settlement rather than appeal to a court which occasions them considerable trouble, much publicity, much personal annoyance, and results so unsatisfactory in a pecuniary point of view. Combined with these disadvantages, creditors have a positive knowledge that, however desirous they may be to punish fraud on the part of insolvents, such is the existing state of the law, that, although much time and money must be expended, conviction and punishment are objects very rarely, if ever, obtained. Under these circumstances, it would be strange if creditors did not resolutely avoid an appeal to the Court of Bankruptcy, and accept whatever settlement the debtor, insolvent, proffers. The debtor is always perfectly aware of the aversion of creditors to appeal to that court. The immediate consequence is, that his offer for settlement, whatever it may be, always has the pleasant vista of an appeal to the Court of Bankruptcy looming in the background. In fact, in the case of the insolvent, it enables him to make a flourish of honest professions by declaring his perfect readiness to go into the Bankruptcy Court if his offer of composition of, say, 1*s.* 8*d.* in the £ is not promptly accepted by his creditors. This is no exaggeration of the existing state of affairs, for in a return recently obtained from the Registration of Deeds' Office in Chancery Lane, it appears that out of upwards of 300 cases of composition, there are 12 for less than 1*s.* in the £, 49 at 1*s.* in the £, 71 between 1*s.* and 2*s.* in the £, 112 between 2*s.* and 3*s.* in the £, 53 between 3*s.* and 4*s.* in the £, and 5 exceeding 4*s.* but under 5*s.* in the £.

But while the law which governs compositions yields results so unsatisfactory, they may be counted honest and desirable as com-

pared with the frauds which are now perpetrated under deeds of inspection and assignment. By these deeds, as the law now stands, no preliminary proof of debt is required, and the whole affair is usually managed in estates of importance after this wise :—A firm, finding itself insolvent, places its books, or anything which it thinks right to call a statement of its affairs, in the hands either of its own solicitors, or accountants of its own choice. This statement may include claims against the estate to any amount that the parties about to declare their insolvency may think safe, and constantly does include as creditors the whole value of bills of exchange which may have been received by them in the usual course of business, and re-discounted or paid away. This statement may include such a declaration of the small value of the assets as would render a settlement upon these data beneficial to no one but the insolvents themselves. In due course notification is given by the friendly solicitors or accountants to the various creditors. A meeting is convened ; statements are made ; creditors grumble, and require further explanation ; the affairs, from the shortness of time, have been as yet but imperfectly investigated by the solicitors or accountants, and the meeting is adjourned for several weeks, to afford these same friendly solicitors or accountants time to inquire more thoroughly into the affairs of the estate. Usually matters appear more complicated at the second meeting, and a resolution is ordinarily then carried, either to accept a composition upon such data as the creditors have before them, or to wind up under assignment or inspection. At this stage it might be anticipated that the action of dissentient creditors would make itself felt. But the fact is, that creditors, however large their stake may be in any one individual estate, are usually, if not always, fully occupied in the conduct of their own mercantile affairs, and are consequently unwilling, or unable, to undertake the responsibility of the sifting, the investigation, and the settlement of the complicated affairs of an insolvent estate where, whatever advantages may be obtained, only a small portion, that is, the rateable value of the increased dividends, accrues to the creditor who so undertakes it, and against which he has to set the serious loss of time and neglect of his own affairs by prosecuting such inquiries for the benefit of his brother creditors as well as himself. But the deed of inspection having been executed by a majority in number representing three-fourths in alleged value, the whole of the creditors are bound thereby. Hence it may constantly happen that nearly one-fourth of the creditors dissentient really represent four-fifths of the creditors *bonâ fide*. However, not only are they deprived of any right as dissentients, but they are further deprived of any right whatever as against the insolvent, or his after acquired property, and have only to look to trustees, who may have been appointed through the arrangement of the insolvent, for that portion of the realised assets to which they may be rateably entitled.

In reply to these grievances it has been stated that the law gives

the dissatisfied creditors the right of testing the *bona fides* of the claims, and a right of action against trustees, for mal-administration. But both insolvents and trustees know perfectly well that individual creditors are constantly advised by their solicitors not to incur the trouble, the anxiety, and the cost of such action and inquiry for the small share of benefit obtainable by successful exposure. Hence the practical protection given to the wrong-doer is all but perfect ; and, whether you take the settlement under bankruptcy, under composition, or deeds of trust and assignment, the creditor has little or no security that he will promptly receive his rateable portion of the assets, while the debtor is carefully cleared both of inconvenience and responsibility.

From a parliamentary return, presented in the latest day of last session, the following results are obtained ; viz. :—

AS TO DEEDS OF ASSIGNMENT.

	No. of Deeds.	Gross amount of Unsecured Debts.
Year ending Oct. 10, 1862	1,886	£1,013,000
" " 1863	2,344	4,040,930
" " 1864	2,284	5,725,592
Six months ending Apl. 10 1865, at the rate of per ann.	3,060	13,453,000

AS TO COMPOSITION DEEDS.

	No. of Deeds.	Gross Amount of Unsecured Debts.
Year ending Oct. 10, 1862	698	£373,000
" " 1863	662	926,000
" " 1864	1,278	2,497,800
Six months ending Apl. 10 1865, at the rate of per ann.	2,420	8,873,800

AS TO DEEDS OF INSPECTORSHIP.

Year ending Oct. 10, 1862	46	£190,400
" " 1863	15	50,800
" " 1864	39	620,500
Six months ending Apl. 10 1865, at the rate of per ann.	170	10,612,000

It may be remarked that the return for the last six months represents a period of commercial collapse, and may doubtless be subject to modification, but these figures prove conclusively how rapidly recorded insolvency is increasing.

The bankruptcy return of last session strikingly illustrates the action of the law as regards bankrupts. According to that, there appear to have been, in round numbers, in the year ending October 11, 1864, 7,224 bankruptcies, the total amount collected being only

£677,000, the official costs upon which amounted to £140,000, leaving £530,000 for division among the creditors. It is further shown that out of these 7,200 bankrupts, 6,600 were made bankrupts on their own petition, and that, out of these, 5,324 paid no dividend, and in other 848 cases, the dividend was less than 2*s.* 6*d.* in the £. But out of all this vast crowd of 7,224 bankrupts, only 80 were refused their discharge on application—a proof either of the marvellous laxity of the law, or of wonderful honesty in the bankrupts.

Deplorable as the results of the Bill of 1861 appear to have been, they are not fairly chargeable upon its author. The mainspring and centre of action of that Bill, as originally introduced to the House of Commons, was the establishment of a chief judge in bankruptcy, with powers equivalent to those of a judge in equity, which would have afforded an effectual check to most, if not all, the abuses which the present Act has developed; and, consequently, to the excision of that portion of the Bill by the House of Lords may be attributed much of the present disadvantage.

With these facts before us, no one will be found to dispute the necessity of some immediate and extensive change. But if we examine the voluminous evidence of the gentlemen who appeared before the Committee of the House of Commons appointed to inquire into this subject, we shall find that persons of high authority in London, both official and mercantile, scarcely suggested a remedy to meet these great and growing evils. That committee felt that it had a duty to perform beyond merely investigating and recording the present unsatisfactory state of affairs. It felt that such an inquiry would probably lead to little or no public benefit unless accompanied by clear and practical suggestions for the redress of existing grievances. It consequently inquired into the operation of the law of bankruptcy in Scotland, where few of the evils which are alleged against the system in England exist; and where it was found that estates insolvent were collected and distributed with a rapidity, an equity, and an economy which gave general satisfaction to the Scottish mercantile community. That committee consequently recommended the adoption of a considerable portion of the Scotch system as applicable to England. This, if carried into effect, will involve the practical abolition of the system of bankruptcy as at present existing in England, substituting the following machinery for the collection and distribution of assets of estates insolvent—facility in determining insolvency at the instance of one or more of the creditors—prompt security to the creditors of the assets of the estate—the appointment of trustee or curator to be chosen by the creditors, to be paid by them according to agreement, in whom the estate shall vest, with full power to collect, realise, and distribute—the said trustee to find security, to be approved by the judge, for the faithful collection and distribution of the assets—to have power to reject or admit claims of creditors, subject to appeal to the judge, to be subject to the revision of one or more of the creditors who

should be appointed by the others to convene the creditors at fixed stated periods—to keep the accounts plainly, and produce them punctually at such meetings—creditors only entitled to vote and rank in respect of balance due after deducting the value of all securities, including bills of exchange and other obligations—assets, when collected, to be lodged in a bank, or place of security until distribution—accounts to be rendered in full to the Accountant-General in Bankruptcy, who shall certify to their accuracy before the trustee is entitled to payment for his services. Trustee to report as to the conduct of bankrupt; trustee to be subject to the supervision of a judge, and liable to dismissal in case of misconduct.

It will be seen that this system has the great advantage, in regard to the assets, of putting their collection and management in the hands of a party immediately responsible to the creditors, paid by them and punishable by them in case of default or misconduct. It involves little or no State machinery, no expenses, except such as the creditors willingly and by agreement incur. It secures the prompt and searching investigation of a competent accountant, which in Scotland is viewed as a principal safeguard and security for the advantageous working of the system; and thus, so far as the great question of the realisation and distribution of assets is concerned, will, it is thought, present a marked improvement upon anything that England has heretofore experienced.

In regard to discharging a bankrupt, the House of Commons' Committee have suggested that the bankrupt should be entitled to his discharge upon payment of a dividend of 6*s.* 8*d.* in the £, at the expiration of six years from the date of adjudication. The Committee have recommended that, under the provisions of any new Act, imprisonment for debt should be abolished; and that such wilful acts of debtors, tending to delay or injure their creditors, as shall be declared by law to be criminal, shall be made punishable only in the ordinary criminal courts of justice. It further recommends that there shall be established a court of bankruptcy in the metropolis which can be paid out of funds now lying dormant, and that the judges of the Superior Courts of Equity and Common Law shall act as judges; and that to the court there shall be a general power of appeal; and concludes by recommending that the present metropolitan and district courts of bankruptcy should be abolished as soon as practicable; and that the bankrupt law should be consolidated.

The whole question of the recovery of small debts is left untouched in this inquiry, as involving entirely different considerations.

In view of the extensive change in the legislation on the question of insolvency, many, whose opinions deserve great consideration, believe that it would be advantageous to the trade and commerce of the country to be without any bankrupt law—to leave the whole question of settlement of debt to the ordinary tribunals of the country, with such modifications as would guarantee prompt recovery to creditors, and, in cases of fraud, punishment of debtors. In

France this system obtains in regard to all persons not engaged in trade (an immense majority of the adults of that country), and is said to work advantageously.

It must be admitted that the State undertakes very unusual and anomalous duties in the collection and distribution of estates insolvent, but the custom has become so interwoven with the commerce of the country, that it may be more advisable to simplify than to destroy the system ; especially as the complicated laws of property, the facilities of transfer and alienation, and the impracticability of the existing courts of law being able to fully investigate the details of estates insolvent, these and many other considerations, appear to preclude the abolition of an organised system for the collection and distribution of these estates.

When approaching the question of future legislation, it may be desirable to endeavour to discover the causes of the continual failures in the attempt to obtain a satisfactory solution of the question of bankruptcy and insolvency; and this brings us back to the preliminary fact that, having to legislate between debtor and creditor, we have, on the one hand, the debtor who has violated the contract, and, on the other, the creditor who is suffering therefrom. There can be no question that the whole principle of law should tend to maintain the inviolability of contracts, but this is practically reversed in every instance in which a creditor is compelled to give other than a voluntary acquittal to the debtor for the unsatisfied portion of the debt. Consequently every provision by which a creditor is coerced, either by the Bankruptcy Court or by a majority of his fellow-creditors in number or amount, to give a discharge in full for a payment in part, violates that principle. The same violation occurs in the bankruptcy when the debtor has handed over the whole of his assets, and the creditor is compelled to acquit the debtor without any claim on after acquired property. It appears to be reasonable that every facility should be given to arrangements as between debtors and creditors, by which the creditor should be induced to settle with his debtor, and give him an acquittance in full. But it is contrary to the true principle of equity that he should be compelled to do this. It is believed that the provision by which debtors can command an acquittance in full upon payment of part of their engagements is the most fertile source of the fraud and wrong that have affected this question; and while it would be expedient to give every facility for a voluntary settlement, as between debtor and creditor, by which the latter foregoes any such portion of his claims as may appear to him to be advantageous, in order to secure the prompt recovery of the remainder, it ought not to be in the power of the debtor, under the sanction of the law, ever to break the obligation for payment in full whenever or wherever he had the means of effecting such payment. The adoption of this principle would involve the abolition of all compulsion upon creditors in settlement under deeds of assignment or composition, and it would involve the more important change of rendering the bankrupt's after acquired

property subject to the unsatisfied claims of his creditors. Upon close inquiry, this point will be found to lie nearest the root of the whole question.

If public opinion could be brought to the conclusion which Lord Westbury indicates, the process of legislation on this subject would be comparatively simple, by providing for the prompt possession of the assets of insolvent estates, and equable division amongst the creditors, giving them no power over the time or person of the debtor, but leaving him to obtain from his creditors a discharge in reference to the unsatisfied portions of their claims as best he may.

The actual operation of the existing system of bankruptcy has been well put by a writer in the *Times*, who asserts—"The purport of the law to be simply to give power to a certain court, under special conditions, to confiscate the claims of creditors which were lawfully created, and against which the debtor has nothing to urge, except that he has no sufficient means at present to discharge them, and would like to have the opportunity of beginning business again, entirely free from the inconvenience of their being in existence."

In a report on the law of bankruptcy and insolvency, presented by Lord Chancellor Lyndhurst to the House of Lords in 1844, the question of "liability to pay debts out of after acquired property," is argued *in extenso*. It suggests that the existence of such liability, though rarely productive to creditors, would tend to paralyse the future exertions of debtors. A commission of inquiry, which investigated the subject in 1840, also reported strongly against the proposal to retain the liability for unsatisfied debts upon after acquired property. In support of the proposition it was urged that the liability would only attach to actual property subsequently acquired, that such liability would stand behind all debts and engagements subsequently made, and that the insolvent would gain in the estimation of society by being placed in the position of a man making restitution for the injury, and compensation for the losses, he had brought upon others by contracting engagements which he had been unable to fulfil. It was alleged that this system had worked well in the insolvent debtors' law, especially in regard to *payments out of court*, in consequence of its being known to the debtor that payment could be made compulsory; that the absence of this practice in bankruptcy had made instances of repayment from after-acquired property extremely rare; and that "the practice of non-payment is assumed to be just, because it is legal." It was asked "upon what principle should a court be invested with the power of telling the debtor that so soon as he has performed a portion of his contract, a part *only* of that for which he has received full consideration, he is released from any liability to perform the remainder, whatever his subsequent ability may be?"

It was alleged that in France and other countries the system of liability of after acquired property existed, and it was urged that

"to the English bankrupt laws the world was indebted for the public repudiation of the sacred duty of restitution." It was further urged, that such liability would check fraudulent compositions and arrangements that were then (as now) forced upon creditors by their knowledge that, if the estate went into bankruptcy, they must wait much longer for any dividend, and that heavy expenses must be borne by the estate. That these fraudulent arrangements had become so common as to induce the observation of one of the judges, that "our laws are such, that a tradesman may be supposed to owe it as a duty to his family to fail twice in his life": that "by establishing this liability, imprudence of every description would be checked: at present, the merchant or trader who speculates beyond his capital, takes the profits if successful—if the speculation be ruinous, his creditors bear the loss;" that extravagance of living would also be checked by the knowledge that creditors, whose money the debtor was spending, might acquire legal claims upon his future property; and, finally, it was urged that "unless the law had brought down the moral sense of the community to the standard of its own provisions, it would hardly be a question at the present day whether in the case of a man who heretofore borrowed £1,000, and who now has ample means for paying twenty times the amount, there is any injustice in holding him not to be absolved from liability in respect of that loan upon the ground that at some intermediate period he had not the means of discharging the debt.

These propositions, adduced twenty years since, have lost none of their force by age. The question still remains unsettled, upon what principle of general policy the law ought to acquit the obligations of the debtor without the sanction of the creditor, as against the debtor's after acquired property, due regard being had to prior payment in full of all subsequent engagements?

A law which may afford to creditors the means of prompt possession, and equable distribution of assets of insolvent estates, with further right of recovery upon the after acquired property of insolvents, is undoubtedly the desideratum from the creditors' point of view. On the other hand, the debtor should be freed from all personal coercion by the abolition of arrest and of imprisonment for debt, or the interference of previous creditors in his after pursuits, until such time as he may have acquired property to discharge the old liabilities.

In approaching the subject of future legislation, the relative positions of debtor and creditor may be reviewed. Legislation has heretofore treated the respective parties as equally entitled to its care and benevolence, overlooking the fact that the insolvent debtor is constantly a violator of his engagements, either from misfortune, imprudence, or fraud; and that the creditor is as constantly a sufferer; and that consequently the business of legislation, so far as it may be expedient to interfere, appears to be to secure to creditors their property in the hands of the insolvent—to protect them from fraud on his part, and, on the other hand, to

protect the debtor from personal coercion or annoyance on the part of creditors.

It may be safely assumed that no merchant or trader becomes insolvent to the extent of 2*s.* in the pound upon his liabilities without his own personal and actual knowledge. The abolition of the coercion upon the creditor to give a discharge without payment in full, would induce all parties, becoming embarrassed and insolvent, promptly to lay a statement of the affairs before their creditors; when the dividends were large, as they almost invariably would be, if the insolvency were declared as soon as discovered, no creditor would be found to prefer the delay, cost, and uncertainty, even of the Scotch system of bankruptcy, when offered such a composition as might then reasonably be made; for under that system it is shown that arrangements by composition and deed are very largely adopted; such arrangements being compulsory only so far as regards one-fifth of the value of the debts of the estate.

It will be gathered from the foregoing statements and remarks, that much of the failure in the administration in bankruptcy has arisen from the expectation that creditors would do that in regard to the interests of themselves and fellow creditors, which they cannot be induced to do; and that a still larger portion of the failure accrues from the facilities afforded to dishonest debtors. The alterations suggested absolve the creditors from that individual exertion which they cannot be induced to undertake, and withdraw the facilities for fraudulent practices on the part of the debtor. So long as these incentives are permitted to continue, it is hopeless to attempt any large practical amendment of the law of debt. While suggesting alike the necessity and the propriety of making the contract between the buyer and seller, the borrower and lender, inviolate, so far as the means of the respective parties extend, it abolishes all power of coercion or personal annoyance of that which may be assumed to be the stronger as against the weaker party; while in the payment of debts from after acquired means, the heretofore insolvent discharges his duty faithfully to his fellow-tradesmen, and is likely to enjoy the permanent advantage of increased capital by the improvement of credit, consequent on the prompt adoption of this line of conduct.

The broad and simple truth, that underlies the whole question of insolvency, appears to have constantly escaped the practical cognisance of the legislature, viz., that when a man in business becomes insolvent his position instantly alters; the business or estate is no longer his, it has passed to his creditors, he is merely the gerant or factor, managing their goods or moneys; the man has been trusted on the faith of his solvency; immediately that solvency ceases, it is his duty to submit that fact to the creditors, and to submit the assets to such arrangements as they may deem most expedient.

If the legislature could be induced to recognise and act upon this obvious truth, most of the fearful losses that now attend commercial pursuits would be largely alleviated. It should be made the interest,

as it is the duty, of every insolvent promptly to declare such insolvency. But so long as the law countenances and encourages all the immoralities arising from concealment, it can scarcely be expected that parties becoming insolvent should adopt a higher tone of morality than the laws by which their insolvency is to be regulated. The law, as it stands, declares that the insolvent shall, at any and every time, be able to compel an acquittance in full, no matter how small the dividend or how diminished the assets; and this operates as a direct incentive to the debtor to suppress the fact of insolvency until the bulk of the creditors' assets are exhausted; and further, that insolvents' after acquired property will be secure against any claim. While such is the law, it appears to be vain to hope for the adoption of the honest and simple course of a prompt declaration of insolvency that would effectually prevent frequent appeals to every court of bankruptcy. Nor does there appear to be much force in the objection that may be raised to the re-establishment of the right of unsatisfied creditors to be paid out of after acquired property; inasmuch as such claims would always stand at the back of subsequently acquired engagements; and although the onus of proof of inability to pay would of course rest with the debtor, yet it would not be difficult to prevent such claims becoming oppressive, by giving power to the judge to grant costs against the claimant, if there shall not appear to have been reasonable grounds for attempting to force the payment. The course of legislation for the last half century has been gradually to remit the pains and penalties of the debtor. By the Act of 1861 these were all practically abolished, but the pains and penalties on the creditor are continued so long as he is compelled to acquit without satisfaction in full; any legislation that removes this anomaly and injustice will, doubtless, have a highly beneficial effect upon the commercial and trading interests of the country.

THE LAW OF EVIDENCE.*

Is it expedient to remove any and what of the remaining restrictions on the Admissibility of Evidence in Civil and Criminal Cases?
By ALFRED WADDILOVE, D.C.L.

NOTWITHSTANDING that our rules of evidence have been freed from much of their stringency, there are still several classes of persons whose evidence cannot be received in a court of justice. They may be enumerated as follows:—1st. Parties (whether plaintiff or defendant) in any action for breach of promise of marriage. 2nd. Parties in any suit instituted in consequence of adultery. 3rd. Persons charged with an indictable offence, or any offence punishable on summary conviction, as to their giving evidence

* See *Transactions*, 1860, pp. 251 and 266; 1861, p. 252; 1863, pp. 172 and 233; 1864, p. 303.

on oath for or against themselves. 4th. Husbands and wives of all persons who are defendants in any criminal proceeding. 5th. The wives of supposed paramours, who are made co-respondents in suits for dissolution of marriage, or for damages by reason of adultery. 6th. In cases of high treason and misprision of treason (other than such as consist in injuring or attempting to injure the Queen's person) those persons who are not included in the list delivered to the defendant pursuant to Statute ; and, lastly : 7th. All persons insensible to the obligation of an oath.

It was not until the year 1833 that any attempt was made by Parliament to control the admission or exclusion of evidence in ordinary trials. Since then several important Acts have been passed, owing to the enlightened views of Lord Denman and our President, Lord Brougham, but in all of them provisoes have been introduced to preserve the four first restrictions I have named. Although crime and interest no longer bar testimony ; although parties in civil actions may be heard in support of their own case ; although husbands and wives are competent witnesses for or against each other in civil actions; and although many other rules have been adopted which are unanimously admitted to have contributed to a more truthful administration of justice, still our law of evidence is, I consider, yet defective, by reason of the restrictions I have named.

During the last thirty years a great advance has been made towards the improvement of the state of the law of evidence. I say improvement, because the admission of evidence has been freed from many barriers, whereby justice has been more properly, because more truthfully, administered. Our old rules of evidence were simply judge-made law. Acts, indeed, were passed, but the restrictions I have named were still retained. But in the last Session of Parliament an attempt was made to relax some of these impediments. A Bill was introduced by Sir Fitzroy Kelly of a brief but comprehensive character. It contained three important enactments :—1st. That parties to actions for breach of promise of marriage should be admissible as witnesses. 2nd. That parties to any suit instituted in consequence of adultery might offer themselves as witnesses on their own behalf. 3rd. That persons charged with an indictable (in other words criminal) offence might tender their own evidence on their own behalf. There were some other clauses in the Bill which do not touch the present question. The Bill, however, did not pass ; nay, it must be admitted that the reception it received by the House of Commons is somewhat discouraging to law reformers ; but we must be animated by the Virgilian maxim, "Ne cede malis sed contra audentior ito." As a set-off, however, against this failure, we must regard Mr. Denman's Act, passed in the last Session, as an important step towards assimilating our civil and criminal procedure. The title of the Act and its preamble declare its object.

It enables the counsel for a prisoner, or the prisoner himself if he have no counsel, to open the case, and then if he have witnesses to examine them, and when all the evidence is concluded, to sum up

the evidence respectively. It also defines the manner in which witnesses may be discredited. It contains also a just and salutary enactment whereby a comparison of disputed handwriting may be made with genuine handwriting—a very important piece of evidence in cases of alleged forgery, but which, to our discredit be it said, was not before admissible in criminal cases.

If the signature to a will was alleged not to be genuine in a trial in a civil court, a comparison with genuine handwriting was permitted in order to test the genuineness of the signature, but if a person was indicted for forging the signature to that very will no such opportunity or privilege was afforded him. The Bill passed without opposition, and it cannot but give us hope that further relaxation will be made in our criminal law. Contrast the feeling of our Legislature on that occasion with its tone when the Prisoners' Counsel Bill was introduced in the year 1836. The permission for a prisoner to have counsel to defend him was denounced as the result of mistaken humanity, and quite unnecessary. It was also said in the House of Lords, by an ex-judge,* who had been a most eminent advocate, in reply to the proposition, "That prisoners should have copies of the depositions taken on their commitment previous to their trial," that if a prisoner were allowed to inspect copies of all depositions taken against him, he would be enabled to concoct a defence between his committal and trial which might defeat the ends of justice by contradicting some facts deposed to by the prosecution—as if the ends of justice could be only reached by proving the prisoner's guilt. What should we say to such language now?

From this digression I pass on to the subject more immediately before us. The first restriction I have named occurs in actions for breach of promise of marriage. The first clause of the Bill of Sir Fitzroy Kelly empowered parties in such actions to be heard as witnesses on their own behalf. It was objected by its opponents that from a loose conversation an imaginative or designing person might infer a promise of marriage. A woman might swear in the witness-box that the defendant had made her such a promise; he, on the other hand, might deny it. "But if the woman was clever, designing, and, above all, good-looking, the great probability was that she would get the jury on her side, and the defendant would find considerable difficulty in extricating himself from the scrape." This language, uttered in a somewhat facetious tone, seemed to have weight with our senators, and this proviso was therefore added to the clause—"That no such action should be brought unless the promise was in writing, under the hand of one of the parties." The clause, as amended, was approved of by the House, but on its being put as amended it was negatived, the noes being 86 against the ayes 59. The clause was therefore lost, but as to argument upon the

* Lord Abinger.

merits or principle of the measure, there was none. I will, however, venture to advance some reasons which have appeared to me worthy of consideration as touching the question.

In actions for breaches of promise of marriage the woman, the plaintiff, would be the most important witness in support of her case; in an action for damages by reason of a breach of contract, the evidence of the plaintiff is received, and why not in an action for breach of promise of marriage, which is, in fact, a breach of contract? On the other hand, the defendant might explain away all or much that was adduced to fix him with the promise. In actions for seduction, and in suits for nullity of marriage, the woman gives evidence subject to cross-examination, at times of a very disagreeable and painful nature. As bearing on this question, in order to show an evil of the present law, I will narrate what took place in a recent trial. An action was brought by a lady for breach of promise of marriage, and also for a breach of contract, inasmuch as the defendant had promised her, upon her giving up to him certain letters which contained language amounting to a promise of marriage, that he would give her a certain sum by way of annuity. She gave up the letters, but the defendant refused to give her the sum he had promised her. It was contended that the plaintiff could not be examined as a witness to prove the breach of contract as a breach of promise of marriage was also in issue. The breach of promise was thereupon abandoned, but it was still contended that the action was virtually for breach of promise of marriage. The judge, however, before whom the case was tried, would not take that view, saying the only issue remaining was the breach of contract. The counsel for the defendant then threatened a bill of exceptions, but the case was soon settled by the withdrawal of a juror. Had it been otherwise, an intricate point might have been raised—whether the plaintiff was a competent witness or not.

The second restriction on the admission of evidence in the order I have given them is "The incompetence of parties to suits instituted in consequence of adultery." Every Act passed for the extension of the rules of evidence has contained a proviso to continue this ban. The rejection also by the Legislature of the second clause of Sir Fitzroy Kelly's Bill to remove this impediment betrays a disinclination to remove it. The Attorney-General said, however, he should not oppose the measure if witnesses were made compellable as well as competent to give their evidence. (It was known that the Judge of the Divorce Court had expressed his objection to parties being made compellable to give their evidence.) A compromise was then attempted by the modification that no person, though competent, should be made compellable to be called as a witness on any issue which raised the question whether such person had been guilty of adultery. The clause was notwithstanding negatived without a division and the Bill was withdrawn.

With these facts before us, it behoves us to approach the question with deference, but at the same time with boldness, and the more

especially as in the Divorce Court—now an important tribunal—issues of adultery or not are frequently specially raised. Although every system of jurisprudence ought to be proof against the cavils of the philosopher, still experience must prevail over philosophy, the practical over the theoretical—*Fiat justitia, ruat cœlum.*

It was, no doubt, a regard for morality, and a desire to prevent exposure and also perjury, which prompted the adoption of this proviso, added to the fear of losing the enactments removing other restraints if this were resisted. It was said in support of it that a wife charged with adultery should not be compelled to declare her own infamy; "no person is bound to criminate himself," is the lenient but just maxim of English jurisprudence; but, on the other hand, it was said that she might be the only person capable of explaining away the suspicions against her, of establishing her innocence, and that the latter consideration ought to outweigh the former. Again, a husband may be the only person capable of proving his wife's infidelity; and so strongly has the present judge of the Divorce Court felt this, that he has not hesitated, notwithstanding the proviso I have named, to obtain from a husband himself, in such a case, the proof of his wife's guilt. "The 43rd section of the Divorce Act (20 & 21 Vict., c. 85) empowers the court to examine the petitioner, but it provides that he shall not be bound to answer any question tending to show that he or she has been guilty of adultery;" but it is silent as to his or her answering any question tending to show that the respondent has been guilty of adultery.* By the Act (27 & 28 Vict., c. 54) for Improving the Jurisdiction of the Ecclesiastical Courts in Ireland, passed in 1864, this power of summoning any witness before it is given to the court.

To show the anomalies that may arise from excluding the evidence of parties to suits instituted in consequence of adultery, I will relate what actually occurred in a well-known case† only a few years since. A brought an action against B for criminal conversation with C, A's wife—not one of those parties could be examined as a witness in that trial. A, at the same time, in order to obtain eventually an Act of Parliament to set aside his marriage, instituted proceedings in the Ecclesiastical Court for a divorce *a mensa et toro;* he and his wife being parties to the suit their evidence could not be received, but that of B, the alleged paramour, could be, and was received. A then indicted B for perjury committed in that suit. On his trial B's mouth, as defendant—as the person charged with a criminal offence—was closed. But A, the prosecutor, was a valid witness, as also his wife, and she was examined for the defence and denied that any criminal intimacy between her and B. had ever taken place,

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* The 24th Section of the Probate Act (20 and 21 Vict. c. 77) runs thus—"The Court of Probate may require the attendance of any party in person, or of any person whom it may think fit to examine, in respect of matters or causes testamentary."

† *Evans* v. *Robinson* (1857).

and thus supported the truth of his evidence. The Divorce Court was then established, and A petitioned for a divorce. B was necessarily made a co-respondent; then, A, B, and C were all parties to the suit, and the evidence of each was again inadmissible.

In the case of *Codrington* v. *Codrington* and *Anderson*,* the rule, excluding the evidence of the parties to the suit, has been loudly complained of by the counsel both for the petitioner and respondent. In a well-known case before the Divorce Court (*Robinson* v. *Lane*),† shortly after its being established, an attempt was made to examine the co-respondent to prove his own and the wife's (the respondent's) innocence; of the three judges presiding (the full court) one (Mr. Justice Wightman) was in favour of his being dismissed from the suit, in order that he might then be an admissible witness, as the evidence produced (the wife's written confessions) did not criminate him; but the two other judges were of a different opinion. The case was adjourned until a Divorce Court Amendment Act, then in progress, passed, in which a clause was inserted enabling the court to dismiss a co-respondent from the suit, should the evidence not affect him.

These are a few of the cases in which injustice is worked by the operation of the rule which excludes the evidence of the parties themselves when adultery is in issue; it may, however, still be a question whether parties should be compellable to give their evidence, or merely allowed to tender it if they think fit.

I now approach the most important, as well as the most difficult, part of our subject—the question whether persons charged with a criminal offence should, on their trial, be permitted, if they think fit, to tender their own evidence on oath (subject to cross-examination), in order to clear themselves of the charge against them? This question has been answered in the affirmative by many, and, I may add, by the deliberative assent of the Council of our institution; but as we can only express our own views, with a hope that the public and the Legislature may adopt them, it is desirable that we should state some of the reasons on which our convictions are based. Owing to the unfavourable reception by the House of Commons of the earlier clauses of Sir Fitzroy Kelly's Bill for the Improvement of Evidence, a clause affecting this question was not reached; but, although no opinion was expressed, we cannot conceal from ourselves the fact that it would, if discussed, have met with much opposition, and that too from lawyers of eminence and experience in criminal procedure.

Let us then briefly consider the objections with which the proposition would have been met. The first assertion generally advanced is that it would tend to the prejudice of a prisoner, if innocent, who refused to speak, or was advised by his counsel to remain silent, as his silence would tend to prove his guilt; and, if he were guilty, it

* Div. Crt., Nov. 17, 1864.

† 1 Swabey & Tr., 388.

would tend to perjury; that on cross-examination the prisoner might betray himself, and thus be led into self-crimination; that it is contrary to the spirit of our legislation; that a system of moral torture would be introduced into our criminal jurisprudence; and that scenes and altercations between the prisoner and the prosecuting counsel might occur, such as oftimes takes place between the public prosecutor and an accused person in continental trials. These objections were ably and forcibly brought before the meeting of this Society, at Dublin, in 1860, in a paper read by Mr. McKenna, of the Irish Bar, but the result of the discussion which followed showed that his views were not generally approved.

Previously, in the year 1861, at Glasgow, Mr. Pitt Taylor, the author of the modern and valuable work on evidence, advocated the admission of the evidence of defendants and their wives and husbands in criminal cases. Although he from his experience and thorough knowledge of the rules of evidence, exposed the evils of the present restrictions on testimony, still it must be admitted that the result of the discussion which ensued was not so favourable to his views as that of the following year. This, however, tends to show that an advance has been made towards the views he advocated. In a case recently brought before the Divorce Court,* a wife petitioned for a judicial separation by reason of her husband's cruelty; he replied by charging her with adultery. In that suit the wife was a competent witness, and the alleged adulterer was also produced to sustain the adultery charged. The jury found that the cruelty of the husband was established, but that the adultery of the wife was not. Whereas in a cross petition by the husband, charging his wife with adultery, neither the wife's testimony, nor that of the alleged adulterer, the co-respondent, could be received. The court was moved, on the part of the wife, to allow the verdict in the first suit to be pleaded, in order to supply the want of proof in the second suit arising from the incompetence of the witnesses, but the judge-ordinary (Sir J. Wilde) refused the motion, saying, "That the law distinctly declared that the adultery of the wife should be twice tried, because in one case it should be tried by one species of evidence, and in the other by another and a different species of evidence. In the suit by the wife, both she and the alleged adulterer were competent witnesses, and in the suit by the husband they were not. All the court could do was to administer the law as it existed. The suit must therefore proceed. It was no answer to the petitioner that the wife (the respondent) had obtained a verdict upon the evidence which was not admissible in this suit.

"Although parties in a civil suit are competent and compellable to give evidence in that suit, an accused person cannot be called as a witness in his own behalf in a criminal proceeding; an accomplice in a murder who becomes an approver, interested in earning a full pardon, is a competent witness. The party accused is,

* *Bancroft* v. *Bancroft*, D. C., Nov. 16, 1864.

indeed, permitted to make a statement, but he cannot maintain it by his oath, nor submit it to the test of cross-examination ; so that, if it be true, its value is unjustly depreciated. There is no case, I am confident, in which an innocent man who is put upon his trial does not feel the injustice of the existing law. There are cases in which no one but the accused could expose the falsity of the accusation; and there are cases also in which the accusation would not have been made, not, perhaps, even contemplated, but for the very rule which may screen it from exposure."

Under the present rule, which guides our criminal procedure, it is competent to a prosecutor to close the mouth of a defendant, although he (the defendant) could, if permitted, explain away on oath or completely rebut the charge against him.

A person charged with libel may be proceeded against by a civil action for damages, in which case he may tender his evidence to justify or extenuate the damaging words ; but the alleged libeller may also be criminally indicted, and then his evidence is not to be received. His counsel or he may make a statement, but he cannot be heard on his oath—he cannot be cross-examined. A late trial, in which a captain in the army and a solicitor were the parties, will illustrate this. Ought it to be left in the power of any man to select a criminal tribunal instead of a civil one in order to silence his adversary ?

One more example of the injustice of the present system. In the month of July last, a deputation waited on Her Majesty's Secretary of State to represent to him the unsatisfactory state of the law with reference to disorderly houses, and to the practice of Police Magistrates refusing to take the statements of persons accused for the purpose of rebutting the charges against them, in consequence of which, several persons who could have proved their innocence, had been indicted at the Sessions. The Under-Secretary remarked that he thought it was the duty of a magistrate to take depositions in all cases ; however, he would speak to the Attorney-General with a view to the introduction of a bill for the purpose. I mention this chiefly for the purpose of showing how harshly our criminal procedure treats accused persons. A person was tried at the Sessions and convicted, since she could not herself rebut the charge (her mouth being closed), and, having no witnesses to meet the evidence of the prosecution, although it was afterwards clearly proved she was innocent.

There have been several trials lately in which justice would have been more certainly administered if the prisoner had been allowed to tender his evidence on oath, subject to cross-examination. The answer of Dr. Pritchard, in the preliminary inquiry to the question whether he had given his wife antimony during her last illness, in the negative—antimony having been indisputably found in her after death—was, I have been told, to the jury the most convincing proof of his guilt. Had Müller been allowed to tender himself for examination, he would most probably have done so, and on cross-

examination would have convicted himself of the murder of Mr. Briggs, and we should have been spared the expressions of doubt in some quarters as to the justice of the verdict.

The same remarks will apply to the recent trial for child murder at Exeter. It seems, moreover, somewhat anomalous that persons charged with a criminal offence should be convicted solely on their own confession (as in Constance Kent's case), and yet precluded from rebutting the charge on oath.

There is a remarkable case in which two persons are both undergoing punishment for an offence of which both could not possibly be guilty.*

If, then, as I conceive, defendants in criminal cases ought to be allowed to tender their own evidence, why should not husbands and wives have the same privilege extended to them? This branch of the question was also brought before this Society by Mr. Pitt Taylor, in the paper I have alluded to, in which he gives cogent answers to the objections against the proposition. Although what I may urge may lack weight in comparison with such an authority, I will venture to give a few additional reasons why this restriction on evidence should be no longer enforced. The regard for the affection, sympathy, and confidence which ought to exist between husband and wife has prompted it, and we cannot but respect that consideration; it would be a painful thing to witness the conviction of a husband or wife by the evidence of either, but we are often compelled to witness the proof of the guilt of a parent by the evidence of the child, or the child by that of the parent, a violation of our feelings no less revolting. Again, it may be said that a desire to screen the husband or wife may induce perjury; the same may be said in civil cases, and if the fear of encouraging perjury is to prevail over the desire to elicit truth, we must revert to our old practice, and exclude the testimony of parties in their own cases, as also those who have an interest in the result. But there is another view of the question; the husband or wife may be the only person capable of establishing the innocence of either when accused. In trials for bigamy the woman with whom the second marriage is had is a competent witness, she may in fact be a legal wife, since the first marriage may be invalid, or, if not, she may be as much attached to the prisoner as if she were. Again, in such trials, the legal wife is not a competent witness, she cannot be heard either to prove or disprove the charge, and thus justice often miscarries.

In common cases of assault married parties are sentenced to fine and imprisonment on the testimony of each other, and no objection is raised. In suits for necessaries supplied to the wife, if the marriage be denied, their testimony will be received; again, in courts of equity, they may depose in support of their several adverse claims. In the Divorce Court, both or either of them are competent and compellable to give evidence of cruelty or desertion, or of the

* Mad. Valentin's case.

misconduct provoking them, although the question of adultery may also be in issue. Again, in suits for nullity of marriage, the *quasi* husband and wife are competent and compellable witnesses, and have been heard for and against each other, although it was obvious that revolting disclosures must be made; and, lastly, the judge of the Divorce Court has the power, which he has frequently exercised, of calling the petitioner before him to test the sincerity of his proceedings and his conduct towards his wife. It requires, then, but a step further in the path of justice to render married parties competent and compellable to give evidence, whether in favour of themselves or against each other, in every issue that can be raised.

Allow me here to state, as bearing on this question, what I lately witnessed at the Middlesex Sessions. A man was indicted for stealing some goods from a railway van. There could be no doubt of his guilt. The judge summed up decidedly against him. He then asked the prisoner what he had to say in his defence (he had no counsel). He replied that he had a certificate from an hospital. The judge replied, "We cannot receive that" (its nature, therefore, did not transpire). The prisoner then said, "My wife is here to speak in my favour." The judge abruptly replied, "We cannot hear her." The jury consulted; the judge again addressed them, urging as far as he could with propriety, a conviction. The jury, however, hesitated, and at length retired, and were eventually discharged, not being able to agree. What weighed on the mind of some was, no doubt, the impression that the prisoner had not had a fair trial by reason of the exclusion of the certificate and the evidence of the wife. To the question, then, which has been submitted to us, whether it is expedient to remove the remaining restrictions on the admissibility of evidence, I would unhesitatingly answer in the affirmative; and I would venture to suggest for your consideration the three propositions:—1st. That parties in actions for breach of promise of marriage should be competent and compellable to give evidence either for themselves or against each other. 2nd. That parties to suits instituted in consequence of adultery may nevertheless be competent and compellable to give evidence for themselves or against each other. And, 3rd. That persons charged with any criminal offence may tender their own evidence, subject to cross-examination, in order to clear themselves from the charge. And, lastly, that husbands and wives shall be competent and compellable to give evidence for or against each other in every criminal as well as civil trial.

I am satisfied that the shrewd and intelligent people of this important manufacturing town will consider these questions with as much sagacity as has marked the progress of their laborious skill; but I would remind them, in the words of Jeremy Bentham—that sturdy but honest and energetic pioneer in the path of legal reform, whose doctrines we have at last learnt to appreciate, although deemed vague and visionary when he enunciated them—that evidence is the basis of justice, and that to exclude evidence is to exclude justice.

LOCAL COURTS.

Upon what Principle should Local Courts be Constituted with reference to Extent of Jurisdiction and System of Procedure? By ARTHUR JOHN WILLIAMS.

BEFORE we proceed to discuss the constitution of local courts, it will be as well to have before us distinctly the different methods by which civil justice is locally administered at present in this country.

Until the year 1845, it may be broadly stated that no claim, however trifling, could be enforced at common law except through the tedious and expensive procedure of the superior courts. There had, it is true, existed, from the time of Alfred, a county court for each county, which was retained by the Norman kings. But, after continuing to be the principal court for the civil business of the kingdom for about a century, it gradually fell into disuse, when Henry II. began to appoint justices for the special purpose of making periodical visitations into each county, and laid the foundation of our present assizes. This county court, which never gained the dignity of being a court of record, received its final death-blow from a statute of Edward VI.,* which limited its exclusive jurisdiction to cases under 40*s*. It had for centuries fallen into complete insignificance and disuse, and had never been replaced by any efficient substitute. In some of the chief towns an attempt had been made to meet local needs by the establishment of local courts of request, each of which had an independent local jurisdiction. In these local courts, most of which were constituted by separate Acts of Parliament, the parties to local disputes might be examined. They were all, however, based upon no uniform system of procedure, and the proceedings of most of these inferior courts of record were "complicated, costly, and dilatory."† In 1845 the jurisdiction of 106 courts of this kind then existing varied from 40*s*. to £15.

Practically speaking, therefore, the country was without any system of local judicature until within the last twenty years. The unfair consequences entailed upon the poorer classes by this state of the law, which in fact rendered all civil justice inaccessible to a large section of the people, had long engaged the attention of law reformers, particularly of our President, who, in the year 1830, brought in a Bill to establish local jurisdictions in this country. The speech with which he prefaced the introduction of this Bill contained a masterly and exhaustive survey of the evils caused by the want of

* Statute of Gloucester, 6 Edward VI.

† "Report of Royal Commissioners on County Courts, 1856," p. 50.

cheap local courts, and the way in which these evils should be removed. The Bill was, however, postponed, and the Common Law Commissioners, to whom it was referred, reported in favour of the greater part of it. When again brought forward in 1833, it was lost by a majority of two in the House of Lords.

At last, in 1846, after an ineffectual attempt by statute* to modify the existing local courts of request, so as to meet the difficulty, the first of our Small Debts Courts' Acts was passed. By this measure, which was mainly due to the exertions of Lord Brougham, the first of a series of most salutary changes was made in the constitution and procedure of our common law courts. They have, in a great measure, effected the object proposed in the preamble to the first Act, "That one rule and manner of proceeding for the recovery of small debts and demands should prevail throughout England." They have devolved upon local tribunals a large share of their minor business, and we have now no less than sixty common law judges holding monthly sittings at every town of any importance throughout the kingdom. At these sittings, so familiar to every one under the old title of "County Courts," † all common law disputes, where debt or damage not exceeding £50 is claimed, may be tried. The procedure has been shorn of all the tedious and complicated machinery of written pleadings. The rules of practice, though founded on the established maxims and principles of the common law, leave to the judge a wide discretion as to their application. His duties are to get at the facts of each case, by the most direct and simple means. The parties, or their attorneys, are brought together in his presence, and, having heard their statements, and the statements of their witnesses, he is in a position at once to administer effectual justice. For this purpose he is made a judge as to fact as well as law; and though the constitutional right of having the facts submitted to a jury is very properly reserved to either party in cases above £5, this right is rarely claimed.‡

The immediate effects of the constitution of these local courts were most striking. The people at once availed themselves of a tribunal so accessible, so simple in its forms, and, comparatively speaking, so cheap. In the year 1863, a year rather below the average, there were nearly 800,000 plaints in these courts, and these plaints represented claims to the amount of nearly two millions.§ The experiment has, indeed, been "eminently successful, and benefits have been conferred upon the community by means of these courts, which it is, perhaps, difficult to exaggerate. Honest claims have been enforced, and injuries been redressed which the expense, distance, and delay incident to the superior courts placed, in effect,

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* 8 & 9 Vict., c. 127.

† This is their proper title, for the Act of 1846 distinctly makes them branches of the ancient County Court.

‡ Out of 442,205 causes tried in 1863, only 877 were tried before a jury.—"Judicial Statistics," 1863.

§ "Judicial Stat.," 1863.

beyond the power of the law. Facility to enforce rights has checked the commission of wrongs, and thus a more desirable state of credit and morality has been produced." *

The Court of Chancery, moving in a different orbit, though round the same centre, exercises a distinct jurisdiction over a class of cases with which a Court of Common Law cannot deal. But its duties are of the most important nature. It regulates and controls all those fiduciary relations which are common to mankind in every station, and it gives relief in many cases where the more direct remedy of a common law action is not available. The important duties of trustees, the relations between partners, the administration and distribution of the estates of deceased persons, the specific performance of obligations, are all exclusively under the control of this court. The interests of the humbler classes lie, quite as much as those of the rich, within the scope of this jurisdiction. Yet, until within the last month, it was exclusively central and metropolitan; and though its machinery had been made much less complicated and expensive, it was still quite beyond the reach of those classes who have often as much need of equitable relief as the wealthy. The great body of the people could not make use of this central tribunal. What they wanted was "a handy and accessible mode of obtaining redress in a class of cases usually involving much hardship, where the existing means of redress were so costly and remote as to amount to a practical denial of justice. Without such a means of redress, the industrious mechanic, the small tradesman or farmer, was at the mercy of those with whom he had entered into relations and engagements over which a court of common law has no control. He could not secure himself against the incapacity or gross misconduct of his partner. He could not enforce specific performance of agreements for the non-performance of which mere damages do not afford adequate compensation. If he had saved and left a little money, there was no court at hand which would be ready to interpose when there were unscrupulous or careless executors, administrators, or trustees, and see that the property was duly administered or distributed, instead of being wasted or improperly applied." †

As long back as the year 1833 Lord Brougham urged upon the attention of the Legislature the hardship and injustice of this defect, and introduced into his Local Judicature Bill provisions for establishing cheap local jurisdiction in equity and bankruptcy. Though in this and subsequent efforts he failed to secure the support which was due to such a measure, he has lived to see it adopted and framed into law by others. In the last Session a Bill was presented by the then Lord Chancellor, Lord Westbury, which, with some alterations,‡ has passed into law, and from the 1st of October, 1865, confers upon the

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* "Report of the Royal Commissioners on County Courts, 1856," p. 25.

† "Report of Standing Committee of the Jurisprudence Department on the County Courts Equitable Jurisdiction Bill."

‡ 28 & 29 Vict., c. 99

county courts a limited jurisdiction in equity. By the provisions of this Act the judges of these courts are empowered to hear and determine all suits and applications in the ordinary course of equitable jurisdiction, when the subject-matter of the suit or application does not exceed in amount or value the sum of £500. By one section, the court is assigned in which proceedings are to be taken in each of the specified cases where jurisdiction is given. The principle adopted in this arrangement is that the proceedings shall follow the local cause or subject-matter of contention or application where there is one, and that it shall follow the defendant where there is not.

The rules and orders which have just been issued for regulating the practice of the county courts under this important Act make the procedure of these new local equity courts equally simple, direct, and untechnical with that of the existing common law practice in these courts. This is a very striking feature in the new law. Up to a comparatively recent period, the proceedings in Chancery were, as a rule, entirely documentary. And even now, all Chancery proceedings of any importance involve a long and tedious course of formal procedure which is the inevitable source of delay and expense. In the new local courts the evil will be in a great measure avoided. All suits are to be by plaint,* which "shall contain a concise statement of the grounds upon which the complainant seeks to obtain relief." This plaint is also to contain "the plaintiff's claim for the specific relief to which he conceives himself entitled, and also a claim for general relief."† Except where otherwise provided the evidence is to be taken *vivâ voce*, according to the present practice of hearing plaints;‡ and the suit is to be heard in open court, as plaints in county courts are now tried. The sittings for common law and equitable business are to take place at the same time, and law and equity are to be administered to the great body of the people with the same hand throughout the kingdom.

Having now before us the main features of our existing local courts, I turn to the question set down for discussion.

The leading principle on which local systems of civil judicature should be based I conceive to be this—that they should administer justice in a cheap, ready, and simple, but efficient and regular manner, in all ordinary cases, and leave to the concern of the higher courts that litigation only which is of real moment, either from the magnitude of the individual or the importance of the general interests involved.

This fundamental principle would, I believe, be effectually carried out by adhering, in the constitution of these courts, to the four rules which I proceed to lay down.

First Rule.—Every system of local judicature should be as much as possible uniform in its jurisdiction.

Uniformity is essential to the proper working of any plan for

* Proceedings under the trustee clauses, and under the clause relating to infants, are to be begun by petition; and applications for an injunction by notice. Order II. † Order I. ‡ Order III.

distributing justice over a large area by means of local courts. Any scheme which is not uniform would be a source of endless confusion and complexity. This fact the Legislature learnt at once when it made its first patchwork experiment in 1845, and tried to meet the demand for a local system by extending the jurisdiction of the existing local courts of record. Each extension was to be made by a separate Order in Council, and the experience of a few months pointed unmistakably to the necessity for a uniform imperial measure. This necessity was, as we have seen, admitted in the preamble to the Act of 1846.

At the same time a strong case has been put forward in favour of the reconstitution of these isolated local courts, so as to make them intermediate tribunals between the county court on the one hand, and the superior courts on the other.* It has been urged with much force that the large centres of manufacturing industry, population, and commerce, should also be made centres of justice, both civil and criminal, upon a large and independent basis, though, of course, without ousting the appellate jurisdiction of the superior courts. It need scarcely be observed that such a plan, if carried out consistently, would quite come within the rule of uniformity which I have laid down. There could be no more useful provision in a measure for the reconstitution of our local courts, than one which should give to each large borough the power to unite all its separate local courts in one tribunal, presided over by a highly-paid, and therefore efficient, judge, with jurisdiction both civil and criminal—co-extensive with that of the superior courts—with process issuable into every part of the kingdom, with frequent sittings for the deliverance of those criminally accused, and for the despatch of civil business. Such tribunals would be uniform with the higher courts as to their constitution and procedure in all criminal cases, and in all civil cases above a certain amount; and uniform with the county court in all civil cases below that amount.

Second Rule.—The second rule involved in the principle I have laid down, is that every system of local judicature should, as much as possible, administer justice of every kind in the same tribunal and by the same judges.

Whatever force there may be in the arguments against any fusion of our two systems of jurisprudence, and an amalgamation of our superior courts of law and equity, these arguments in no way apply to the case of merely local tribunals. The line which divides the two systems is admitted on all hands to be artificial and arbitrary, and to draw it anew in our local courts would indeed be absurd. The twenty years' experience of the working of county courts as common law tribunals, has made the judges feel, and express constantly, the want of a convenient equitable jurisdiction much larger than the limited powers incidentally

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* Paper on "Local Courts of Record," by G. W. Hastings. *Transactions*, 1858.

conferred upon them by the County Court Acts.* The Legislature wisely determined, therefore, to entrust the local administration of equity to those judges who had so long been learning the need for it in their daily dealings with the disputes and grievances of the poor; and in so doing have adopted in the most significant manner the rule now under consideration. But, though the administration of justice by the same court and judges is always an advantage, it is, of course, quite possible that in a certain class of cases this advantage may be much less than others which would be gained by relegating them to a special tribunal. This is asserted to be the fact with respect to what are called commercial disputes. It is maintained by most commercial men that the ordinary courts of law are not competent to deal with questions of this kind. There can be no doubt that judges of the existing courts are often unable to grasp the real merits of a mercantile case, through their ignorance of the practice and customs of trade. It is equally true that a tribunal formed of men who are versed in business, would as a rule deal more prompt and even-handed justice, in such cases of purely commercial usage, than is to be got by an ordinary action at law. But I cannot see that this fact, or the satisfactory experience of the tribunals on the Continent, would justify the formation of commercial courts in this country with an exclusive and independent jurisdiction. For that jurisdiction would at once come into direct antagonism to the other civil courts, unless it were included in the ordinary scope and action of these courts. Those who adduce the success of the French tribunals in favour of independent courts of commerce in this country, forget that the conditions under which the French tribunals act are quite different from the conditions under which ours would act. There they have a special code of commercial law; here we should have only the general law of the country. Now the bulk of trade disputes in this country are of course based upon obligations and agreements which are the creatures of our positive law. That law is, no doubt, defective in too many instances. But it would never do to hand over disputes founded on such obligations to tribunals which would deal with them on principles entirely opposed to the law under which they were framed. As long as these laws exist, all cases coming within their scope must remain subject to their operation, and in this particular the administration of justice can only be improved by improving these laws. For instance, the Statute of Frauds has a section which is cursed daily by men of business as a needless obstruction to the enforcement of fair bargains.† But whilst it remains upon our statute book, it would be a violation of all principles of jurisprudence to create a court with

* Jurisdiction in cases of legacies, residuary estates, and partnership balances up to £20; over friendly and provident societies; in bankruptcies under £300; and over charitable institutions with annual incomes not exceeding £50.

† Section 17, which provides that no contract for the sale of goods for the price (or value, 9 Geo. IV., c. 14, s. 7) of £10 shall be binding where not actually delivered, or earnest given, or part payment made, unless a memorandum of the contract be made and signed by the party charged or his agent.

power to deal with cases coming within the purview of the section as if it did not exist. This, however, is the kind of power which would be claimed by men of business acting as an independent court of commerce, and for this reason they should not be allowed to withdraw from the ordinary civil tribunals of the country.

On the other hand, the manufacturing and mercantile classes, whose pecuniary interests in the administration of justice are larger than those of any other classes in the community, are fairly entitled to ask for such a tribunal as is best adapted to settle their own differences, so long as it does not conflict with our juridical system. This reasonable claim would be met if tribunals of commerce for the hearing and settlement of *all* commercial disputes were grafted upon the county, or other local courts, upon some such plan as that proposed by Mr. Denman in his "Merchant Shipping Disputes Bill" of last Session. By this Bill he proposed to constitute the county court of each important sea-port town a court for the determination of all differences and questions relating to ships and cargoes, with an unlimited jurisdiction, but with an appeal to the Court of Admiralty in cases above £50. The judicial element should be a county court judge or a stipendiary justice; the commercial element should consist of merchants, sitting to advise on points of usage as assessors, but without the judicial power given by the Bill.*

Third Rule.—The third and most important rule implied as the fundamental principle I have proposed is, that as to the initiation of all contentious business the jurisdiction of the local court should be unlimited, provided the defendant is afforded a cheap and ready means of withdrawing the case from the local for the consideration of the superior court. To this rule there should be no exception, either as to the nature of the cause of action or complaint, or the area of jurisdiction. Whatever the ground upon which the plaintiff bases his claim, and whatever the amount of his claim, he should, in the first instance, be entitled to issue process either in the local court of his own district, in that of the defendant's district, or (where the cause of contention is local) in the county court of the district in which the subject-matter of contention lies.

Nothing can be more unsatisfactory than the existing county court jurisdiction. It is a great blot in the system, which greatly detracts from its usefulness. Founded upon a number of arbitrary rules, which in some cases make it practically, though not expressly, exclusive† of, in other cases concurrent with, the jurisdiction of the superior courts, these rules have given rise to numberless and

* Mr. Denman has since informed the writer that the Bill was not his. He merely brought it in for the Newcastle Chamber of Commerce, with a view to a careful discussion of its provisions. He quite concurs in the view that no *judicial* power should be given to the commercial assessors.—[*See* next paper, p. 161.—Ed.]

† The inaccuracy of calling the jurisdiction *exclusive* is found in all the books of practice; and in the Report of the Royal Commission. Mr. J. Pitt Taylor carefully avoids it.– (Observations at the end of the Report.)

needless difficulties, and to decisions of which some are contradictory and none founded in reason.

Where one man has a claim against another for debt or damage to the extent of £50, he may sue in the local court. But where the debt, however clearly due, is £60, he must either give up £10 of his just claim, or issue process in London through an attorney, the expense of which is never covered by the costs recovered. No right to the possession of, or title to real estate of any kind, can be tried in a county court.* Anything that savours of a title to landed property, or brings in question the validity of any devise, bequest, or limitation under a will or settlement, puts an end to a county court action, even where it incidentally turns up, unless both parties consent that the judge shall settle the immediate question in dispute. Again, if a man has been maliciously prosecuted, libelled, or slandered, if his daughter has been seduced, or an engagement to marry her broken, redress for these injuries must be sought in a superior court. It may be that these causes of action do involve interests so large as to make them fit subjects for the determination of a higher tribunal. But surely this is a question which should be settled by the parties themselves.

It is true that by consent the county court has power to try any action that might be brought in a superior court. But before this can be done the formal consent of both parties must be given by a signed memorandum. This involves an application by an intending plaintiff to an intending defendant before proceedings are taken. A formality of this kind is an effectual bar to any general use of the privilege, and has made the clause, in fact, a dead letter; for in most cases such an overture is rejected as arising from some sinister motive. It is open also to the serious objection that it places the man who has a *bonâ fide* case in the hands of an unscrupulous opponent, who, for purposes of delay or other reasons, wishes to drive him to the superior court.

To meet this difficulty, and get rid of the frequent and complex questions as to jurisdiction, we need only put in operation the simple rule now proposed; and as to the initiation of actions or suits, remove all restrictions upon the jurisdiction of our local courts of every kind, common law or equitable, commercial or admiralty. But at the first stage of litigation the defendant, whatever the nature or amount in value of the claim, should be entitled to obtain the withdrawal of the action upon any reasonable ground from the local to the superior court. The pecuniary amount of a claim is no criterion of its difficulty or importance. A debt of £1,000 is often as clearly due and as easily proved as a debt of £20, whilst questions of the gravest nature may be involved in a dispute about £5. While, therefore, the local court should be freely open in all cases so

* The only cases in which ejectment may be brought are where the tenancy of premises not exceeding £50 per annum in rent or value has expired, or where half a year's rent of such premises is in arrear, and no sufficient distress can be had. 19 & 20 Vict., c. 108, ss. 5 & 52.

that a plaintiff, if he pleases, may begin his action there, the defendant should be at liberty to obtain its removal without reference to the pecuniary amount involved.

At present, under one of the existing Acts,* common law actions of contract where more than £20, and of tort where more than £5 is claimed, may be removed by a defendant as a matter of right from the county court to the higher court on his giving security for the amount claimed and the costs of the action in the superior court. This provision might properly be retained. But cases may arise which would be of a nature to justify their withdrawal from the local court, although less amounts were claimed than those just named. And cases also may occur in which the condition as to giving security for claim and costs ought to be dispensed with, although the claim exceeds these amounts. To meet these cases there needs only a clause empowering the judges of the superior courts of common law and equity to order the transfer of any county court action or suit upon such terms as to payment of costs, or security for costs or otherwise, as they may think fit.†

But whilst the freedom of initiation in the local court should be without limit or restriction of any kind, so long as there is a corresponding liberty to transfer the cause to the higher tribunal, every one who has watched the working of these courts will recognise the necessity for the following rule :—

Fourth Rule.—One distinct and uniform line should be drawn, below which the power of initiating contention should be confined to local courts.

Some attempt has been made to do this in an indirect way by the existing County Courts Acts. But human ingenuity could scarcely have devised anything more bewildering than the rules, intended, of course, for the guidance of non-lawyers, which point out where a person should sue in the local, where in the superior court. In no case is the plaintiff expressly forbidden to sue in the superior court. He only loses his costs if he does so in certain cases. If, however, the defendant dwells more than twenty miles from the intending plaintiff, he may sue in the superior court, whatever the amount of the claim, and he gets his costs. He has the same privilege if the cause of action did not arise wholly, or in some material point, within the jurisdiction of the court within which the defendant dwells or carries on his business at the time the action is brought. Few more intricate points of practice have been decided than those which bear upon the question here raised, as to what is a material point of a cause of action.

This will be shown by a single instance. A man entered into a written contract to take a certain number of bricks from a brickmaker. They lived each in a different county court district, though not twenty miles apart. The contract was signed at the house of

* 19 & 20 Vict., c. 108, s. 39.

† A similar power is now given by 9 & 10 Vict., c. 95, s. 90., but it is confined to cases above £5.

the purchaser, the bricks were delivered at the works of the maker. The man who engaged to take the bricks, after receiving part of them, refused to take any more. The brickmaker sued him in the superior court, and recovered a sum not exceeding £20. He lost his costs, because it was decided that the signing of the agreement was a material part of the cause of action.* The question where a man carries on his business, which is also involved in this rule, has given rise to much discussion and contradictory decision in the cases of a clerk in a public office, a foreman at a shop, railway companies, and surgeons practising out of the county court district in which they live.

By another rule as to jurisdiction, where a plaintiff not coming within the "twenty mile" and "cause of action" clauses just referred to, brings an action in the superior court, and whatever the amount he claims, recovers no more than £20 in contract or £5 in tort, he gets no costs unless a judge certifies that the action could not be brought in a county court, or that there was sufficient reason for bringing it in a superior court, and if he fails to get a verdict, the defendant is entitled to costs as between attorney and client. Again, when a plaintiff recovers by default no more than £20 in a superior court, he can only get his costs upon a similar certificate of a judge allowing them.†

The indirect attempt to create an exclusive jurisdiction in the local courts by these clumsy expedients of withholding costs, has, of course, quite failed to effect its purpose, whilst it has sadly narrowed their scope, and marred their simplicity and efficiency. The twenty mile clause has allowed the superior courts to be largely and ignominiously employed as a machinery for the collection of small debts. Even the barrier put up in the case of undefended actions for less than £20 has failed to prevent the superior courts from being very improperly used in trifling cases. Nor can it be matter of surprise that recourse is had to so ready a means of enforcing payment, so long as the rules are retained which regulate county court procedure in cases where the plaintiff and defendant reside at a distance from each other, or in different county court districts. Acting upon the absurd and mischievous notion that local courts should only settle local disputes, the existing Acts only allow process to issue in the plaintiff's own district when the defendant resides there also. In all other cases the plaintiff must sue in the defendant's district, however remote. He may, by leave of the judge of the district, where the defendant has dwelt or carried on business within six calendar months before action brought, get a summons issued against him in that court; or by leave of the court or registrar of his own court, he may have a summons from his own court. But in order to do this he must make oath that the whole of the cause of action arose in his own county court district.

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* *Norman* v. *Marchant.* 7 Ex. 723.
† 19 & 20 Vict. c. 108, s. 30.

All these restrictions upon the issue of process in local courts are quite opposed to the practical adoption of the important rule already discussed, that the initiation of proceedings in local courts should have no limit as to the nature or amount of claim or the area of jurisdiction. If an exclusive power of initiation is to be given, it will be absolutely necessary that the rule should be fully carried out; that every complainant "should be the *dominus litis*, as in the superior courts, and should have the option of suing in whatever court he thinks fit; but that the court in which he elects to sue shall be empowered to change the venue at the instance of the defendant on special grounds." This is the simple but admirable expedient which was suggested so long ago as 1855, by one of our ablest county court judges.* That the defendant should be placed at no disadvantage, Mr. J. Pitt Taylor proposes that the summons should contain a distinct notice of the defendant's right to change the venue upon his transmitting an affidavit to his own county court, stating that he has a defence on the merits, and that some good cause (to be specified) exists for its removal. This affidavit would be at once sent by post to the registrar of the plaintiff's court. If the plaintiff objected to the change of venue, he would have to show cause against the application, by an affidavit similar to that of the defendant. Upon these two affidavits the judge of the local court would decide whether the application would be granted or rejected. The only objection that appears to have been raised to this proposal is that it is complicated. But its author denies that it is complicated, and justly asks, "what can be more simple than the mere transmission of an affidavit?" Under these conditions, one broad line of exclusive jurisdiction as to initiation of proceedings might be safely drawn in all common law actions, certainly up to £50, if not higher. For the reasons which lead me to draw this line without any distinction as to actions on contract and actions on tort, I refer to the admirable argument on the subject contained in the observations just referred to. The rules here laid down are of course applicable to every kind of local judicature that may be established, and would include the equitable jurisdiction of our local courts. It would, however, be premature to offer any decided opinion as to the point at which the line of exclusive jurisdiction in initiating equity proceedings should be drawn, though the limit fixed for concurrent jurisdiction will probably be found the proper line.

Procedure.—It has been urged as a ground of objection to any extension of the jurisdiction of our local courts, that it has no process for the development of the issue between the parties; and the separation of questions of law from those of fact. Of course if any system of written pleadings were found necessary for raising the issue in fact or law, they could be as easily adopted in county courts as in a higher court, just as some of the local borough courts of

* Observations of Mr. J. Pitt Taylor, at the end of Royal Commissioners' Report.

record have adopted the present system of common law procedure. But I venture to submit that no such process is wanted. The argument in favour of its rejection, even in the superior courts of common law, has been maintained with some force by a recent writer on the subject.* He urges that the written pleadings interchanged between parties to a common law action are framed, not with a view of informing the court, but of misleading the opposite side; and fail to give, or only imperfectly afford any information as to the real nature of the dispute.

There can be no doubt that the interchange of these written statements is the source of much delay and consequent expense, while it enables litigants to raise defences which could never have been raised if the parties or their agents had been brought together and obliged to state distinctly, in the presence of the judge, the ground or theory of their respective cases. He urges, therefore, that the natural course of a civil contention should be to bring the parties or their agents before the judge in the first instance, and allow him to elicit the real question at issue. This single meeting would supply the place of the present tedious and expensive course of written pleadings. If a substantial issue were raised it could be at once judicially reduced to writing.† It would be beside the purpose of this paper to discuss this bold proposition, which deals in such an uncompromising manner with a science that has been looked upon with mysterious reverence by many successive generations of lawyers; and which, even now, when so much shorn of its former technical grandeur, is regarded by the profession as the only orthodox way of unravelling a grave dispute. But the common sense of the age and the experience—now twenty years old—of our county court procedure, will, I think, justify the opinion that no extension of local jurisdiction in civil cases such as I have suggested would make it necessary or desirable to introduce into its practice any artificial system of pleading.

These, then, are the conclusions to which I believe everyone must come who gives any attention to this important subject; that the broad and comprehensive principle upon which alone a complete system of local judicature can be built up, has only been very partially and imperfectly adopted; and that until it is fully adopted our local courts must fail to realise the great object of their constitution—a cheap, uniform, simple, and rapid administration of civil justice throughout the kingdom. These conclusions are stated, however, in no captious or unreasonable spirit. It would be equally unjust and unwise to complain that the genius of this country is empirical; that its advances in every direction of human progress are always experimental, and never the consequence of preconceived theories. For in this very fact lies the secret at once of our stability and our greatness. To such commanding advantages we may well

* "Natural Law Procedure," by James Walter Smith, LL.D.

† This method of oral pleading or *loquela* was practised in our Courts until the reign of Henry III.; probably much later.—Reeves' "Hist. Eng. Law," vol. 1, p. 95.

make the sacrifice of a little patient waiting until each successful experiment has borne as its fruit the theory which underlies it. I would, however, confidently urge that this is now the position of the local courts' experiment; that the tentative legislation which, during the last twenty years, has so clearly proved their value, should be replaced by a general measure founded on the principle, and constructed with some such rules as I have suggested. I do not hesitate to say that no practical measure of law reform would confer greater benefits on the body of the people; and none, therefore, is more worthy of the earnest attention of the Department.

Mercantile Courts. By JAMES HALL, *Newcastle-on-Tyne.*

PUBLIC attention has lately been directed to the efforts that have been made by the commercial community for the establishment of a more expeditious, less expensive, and more satisfactory means of legal procedure than at present exists for the settlement of commercial differences.

Acting upon the suggestion of one of the greatest living authorities on law, and as one of the principal promoters of a Bill laid last session before Parliament, for the attainment of greater facilities in the settlement of matters of dispute relating to ships and their cargoes, matters which above all others are apt to give rise to litigation, I shall endeavour to explain the principle upon which the above Bill was framed, and to show what has already been done in furtherance of the views of the commercial world on the subject.

The principle of having justice promptly administered, that on which the constitution of tribunals of commerce is based, is not new; nor is the practice of submitting merchants to the jurisdiction of their compeers of recent date. Antiquity furnishes more than one instance of it. The celebrated Montesquieu, in his work entitled "Esprit des Lois," says, "Xenophon felt the necessity of the consular jurisdiction, and Demosthenes, in his orations against Apaturius and Phormion, informs us that at Athens there were particular magistrates for commercial differences. These magistrates went on board of ships, listened to the disputes of merchants, and in order that the interests involved might not suffer from delay, they adjudicated thereon immediately. At Rome, also, there were judges for every profession, to settle disputes between parties of the same calling. They had absolute jurisdiction, and their decisions were final."

If the legislators of Greece and Rome experienced the utility, or let us rather say the necessity, of mercantile courts, the same necessity has been equally patent to the legislators of almost all modern states. The consular jurisdiction was first founded in Italy, the cradle of modern commerce, and at the time of the Crusades, when

the Italian republics extended their commercial operations towards the East, courts were formed, based upon these principles.

Then, as now, in France and elsewhere, these courts were characterised by four essential principles—

1. The judges were required to be experienced in shipping and commercial matters.
2. Simplicity in the debates between the parties.
3. An expeditious and inexpensive procedure.
4. Prompt execution of the judgments.

This last consideration is an important one. To delay justice, in matters of shipping especially, is often to deny it.

The old courts of "Piepoudre," formerly held in our own boroughs on special occasions, confirm the principle of prompt justice. For instance, in cases of dispute during a fair, the parties, with the dust upon their feet, as the word "Piepoudre" implies, went before the authorities to have an immediate settlement of their differences.

It may not be uninteresting at this juncture to call attention to the fact that a kindred institution to that here advocated was in existence in this country, as far back as three quarters of a century ago, and the late Mr. Clarkson, in his "Portraiture of Quakerism," gives the following account of it.

"In the town of Newcastle-upon-Tyne," he says, "a number of disputes were continually arising on the subject of shipping concerns, which were referred to the decision of the law.

"These decisions were often grievously expensive. They were, besides, different from what seafaring persons conceived to be just.

"The latter circumstance was attributed to the ignorance of lawyers in maritime affairs. Much money was therefore often expended, and no one satisfied. Some Quakers in the neighbourhood, in conjunction with others, came forward with a view of obviating these evils. They proposed arbitration as a remedy. They met with some opposition at first, but principally from gentlemen of the law. After having, however, shown the impropriety of many of the legal verdicts that had been given, they had the pleasure of seeing their plan publicly introduced and sanctioned; for, in the month of June, 1793, a number of gentlemen, respectable for their knowledge in mercantile and maritime affairs, met at the Trinity Hall, in Newcastle, and associated themselves for these and other purposes, calling themselves 'The Newcastle-upon-Tyne Association for General Arbitration.'

"This association was to have four general meetings in the year, one in each quarter, at which they were to receive cases.

"For any urgent matter, however, which might occur, the clerk was to have the power of calling a special meeting.

"Each person, on delivering a case, was to pay a small fee. Out of these fees, the clerk's salary and incidental expenses were to be paid. But the surplus was to be given to the poor.

"The parties were to enter into arbitration bonds, as is usual upon such cases.

"Each party was to choose out of the association, or standing committee, one arbitrator for himself; and the association were to choose or to ballot for a third. Here it will be proper to observe that this standing association appeared to be capable of affording arbitrators equal to the determination of every case; for if the matter in dispute between the two parties were to happen to be a mercantile question, there were merchants in the association; if a question relating to shipping, there were shipowners in it; if a question of insurance, there were insurance brokers also. A man could hardly fail of having his case determined by persons who were competent to the task.

"Though this beautiful institution was thus publicly introduced, and introduced with considerable expectations and applause, cases came in but slowly. Custom and prejudice are not to be rooted out in a moment. In process of time, however, several were offered, considered, and decided, and the presumption was that the institution would have grown with time. Of those cases which were determined, some relating to ships were found to be particularly intricate, and cost the arbitrators considerable time and trouble. The verdicts, however, which were given, were all of them satisfactory. The institution at length became so popular that (incredible to relate) its own popularity destroyed it. So many persons were ambitious of the honour of becoming members of the committee, that some of inferior knowledge, judgment, and character, were too hastily admitted into it. The consequence was, that people dared not trust their affairs to the abilities of every member, and the institution expired, after having rendered important services to numerous individuals who had tried it.

"When we consider that this institution has been tried, and that the scheme of it has been found practicable, it is a pity (Mr. Clarkson remarks) that its benefit should have been confined, and that for so short a period, to a single town."

Napoleon has said that his fame in the eyes of posterity would rest even more on the code bearing his name, than on all the victories he ever won; and "its permanent establishment," adds Sir Archibald Alison, commenting on this passage, "as the basis of the jurisprudence of half of Europe, has already proved the truth of the prophecy." One of the distinguishing features of the French code is the elaborate provision it makes for the establishment and working of tribunals of commerce.

In France, these tribunals consist of a president, judges, and assistant judges (all commercial men). The number of judges must not be less than two, nor more than fourteen, exclusive of the president. The number of judges and assistant judges for each tribunal, is fixed by Government.

The members of the tribunals of commerce are elected at a meeting of the most note-worthy merchants, principally the seniors of the longest established firms, whose probity, rectitude, and experience, are well known. They are appointed for two years. To each

tribunal are attached a registrar and other officers appointed by the Government.

The decision is given by the majority of voices, and announced by the president. The functions of judges are honorary. Tribunals of commerce adjudicate in contracts relative to transactions between merchants, bankers, and traders, and in all matters of dispute with other persons when referring to acts of commerce, to purchase of goods, freighting or chartering of ships, bottomry, average, wages, &c.

An appeal lies for all sums above 1,500 francs, or £60, to the "Cour d'Appel," presided over by lawyers.

The instances of appeal are, however, comparatively few, and generally only in cases where important questions of law are involved.

The "Handelsgericht," or trade court at Hamburgh, is composed as follows:—

A president, a vice-president, a registrar, and his substitute. The tribunal sits in two chambers, one under the president, the other under the vice-president. The president and vice-president are lawyers. Their appointment is permanent. The court proposes four persons by ballot for the office of president and vice-president, the merchants' guild select two, one of whom the senate appoints as president, and the other as vice-president.

For every judgeship two persons are nominated by the court, and the merchants' guild elect one of these two as judge. The judges must be thirty years of age, and merchants in good repute. In matters referring to nautical affairs, the courts are authorised to consult a nautical man, who gives his opinion, but has no voice in the verdict. The judges give their services gratuitously, are appointed for three years, and are only re-eligible after an interval of one year. As is the case in the French courts, verdicts cannot be given by less than three judges, including the president.

The court takes cognisance of all commercial disputes, whether the contending parties be merchants or not, also in matters of partnership, bankruptcy, salvage, &c.

No appeal can be made in matters under 500 marks banco (£37). Where larger sums are involved, the parties may appeal to the upper court, "Obergericht," at present composed of three lawyers and two merchants; and should the first judgment be reversed, the parties may then have recourse to the last court of appeal (Upper Appellation Court in Lubeck), belonging jointly to Hamburg, Lubeck, Bremen, and Frankfort (the four Hanse towns), and composed of lawyers only, who judge according to the written evidence. When a judgment of the lower court is confirmed by the upper court, there is no further appeal possible.

The maritime and commercial court at Copenhagen consists of a president appointed by the king, also of twenty members conversant with commercial, and ten members conversant with maritime affairs. The commercial and maritime members are chosen by a meeting of electors consisting of merchants, an equal number of the

municipal council, and of the committee of the shippers' corporation, under the direction and guidance of a member chosen from the magistracy. The minister of justice submits those elected for the king's approval or rejection.

The members are elected for a term of four years. They must be merchants, shipowners, &c.

The president is allowed a fixed salary, equal to that of the justices of the superior law courts. The other members receive no salaries, but during their tenure of office they are exempt from all other civic duties.

To compose a sitting of the court, the presence of the president and four members is required. The court adjudicates upon all causes concerning maritime and commercial affairs, &c. The regular meetings of the court are held on one or more days in the week, and for all urgent cases at the special summons of the president. The judgment pronounced by the maritime and commercial courts of Copenhagen may be appealed against when the sum exceeds 100 rix dollars (or £11), to the higher court of judicature.

Courts based on the principle of those here described are known to work admirably in the countries in which they are established. I speak from my own experience. The increasing commerce of this country, and the transition in the carrying trade from sailing vessels to steamers, render their establishment with us an imperative necessity.

I shall now relate what has already been done in this direction.

In April, 1858, Mr. Ayrton moved in the House of Commons for a select committee to inquire into the expediency of establishing tribunals of commerce, or otherwise amending our procedure in actions or suits of a commercial nature.

In the debate which ensued, it was clearly shown that the requirements of the commercial world, and the feelings of men of business on the subject before the House, were but very imperfectly understood by members generally.

Mr. Ayrton, in introducing the motion, stated that the subject had been pressed upon his attention by a body of gentlemen occupying most respectable positions in the city of London, who had, to the number of 1,500, signed a petition in reference to it, and had requested him to bring it under the notice of the House of Commons. Those gentlemen, in the petition to which he had alluded, stated that they considered the present mode of administering justice in commercial cases to be extremely unsatisfactory, both as to the mode in which it was administered, and the delay which it entailed. They, moreover, drew attention to a fact that in foreign countries justice in such cases was administered through the medium of what were called tribunals of commerce, and prayed that the House of Commons might take into its consideration the question, whether a system which was found to work satisfactorily in foreign countries, might not with advantage be extended to our own.

It was remarked by the Solicitor-General that there had been made

of late years a most important and successful improvement in our courts, county courts having been established throughout the kingdom with an extensive jurisdiction.

With regard to questions involving a very considerable amount of money, they had instituted a speedy and cheap mode of settling disputes in their courts, in addition to which they had considerably simplified the proceedings in the courts of common law, rendering them as speedy as was deemed consistent with the interests of the parties concerned.

It was observed, during the course of the same debate, by Earl Russell, that a nation cannot possess a greater benefit than to have justice speedily as well as impartially administered, and every investigation tends to show that more may be done in this direction.

The motion was agreed to, and the evidence taken of gentlemen practically acquainted with the working of tribunals of commerce in France—among whom was Mr. Edward Blount, banker, Paris, and Director of the General Credit and Finance Company, of London, (limited)—went to show the necessity for such courts, and the very great advantage to be derived from their establishment in this country.

The importance which the Solicitor-General attached to the county courts, was, in my opinion, over-estimated. These courts are no doubt of very great service to the shopkeeper and small trader, but beyond these classes their advantages do not extend. For the trial of important commercial causes they have proved a total failure. In fact, it may be fairly said, that county courts are merely a kind of modern legal machinery for the collecting of small debts.

Commerce has its own peculiar language. One word sometimes contains the germ of an important obligation, of which the meaning, frequently obscure, can only be clearly interpreted by men experienced in business; whilst the class of men from whom county court juries are drawn, consists mostly of small tradesmen, who are entirely unfitted by their education and habits for the comprehension of matters which require a thoroughly practical knowledge of commercial usages in their widest signification.

The delay, difficulty, and enormous expense attending the trial of causes in our law courts, and the unsatisfactory decisions which are so frequently recorded—more particularly in maritime cases—prove, in the great majority of instances, an insurmountable barrier to those engaged on the commerce of this country against the prosecution of just claims, or resisting such as are unjust. This statement the experience of every man engaged in business will confirm.

An arbitration clause is now frequently inserted in agreements, so that any difference arising may be settled by commercial men, thus showing the wholesome dread they entertain of the law as now administered.

The "law's delays" and its glorious uncertainties are proverbial. The trial in respect to the "Harbinger" was pending no less than four years before our higher law courts, entailed enormous loss to

both plaintiff and defendants, and was eventually settled by a compromise.

The English people have a very great regard for old laws, customs, and institutions. The mere demonstration of an existing grievance is not sufficient to ensure its removal. In order to effect that, its mischief has to be shown over and over again.

To remedy the evil which is so much felt by merchants and ship-owners, a Bill was introduced into Parliament towards the close of the last session, by the Hon. G. Denman, intituled the "Merchant Shipping Disputes' Bill," having for its object the hearing and determining of all differences arising out of freight agreements, demurrage, losses and accidents at sea, salvage, and all other matters connected with the navigating, buying or selling of ships, and cargoes laden or intended to be laden therein. It was intended to establish by such Bill, in all important seaport towns, local courts to be every day available, a consideration of the greatest importance in shipping matters, and the absence of which courts compels persons in most instances of dispute to submit to injustice, rather than invoke the slow and expensive aid of the existing legal machinery. The proposed courts were to be applied to England only, and to be presided over by a legal functionary in the person of a county court judge, a commissioner of bankruptcy, or a stipendiary magistrate, assisted by not less than two assessors. The number of assessors attached to the court was to be determined according to the importance of the town, and to be nominated by the town council, of which not more than one third of their own body was to be elected, and the appointment to be confirmed by the Government.

The qualification for the office of assessor to be a merchant ship-owner, or manufacturer. The term of office to be three years, and to be honorary.

Appeal to lie in all cases above £50 to the Court of Admiralty, or other courts of Westminster.

The Government having promised that during the recess they would give the subject their fullest consideration, the Bill was withdrawn.

The importance attached to this Bill by the shipping community is shown by the numerous petitions from the leading seaport towns in England, which have been presented to Parliament in its favour, and the opinion entertained of mercantile courts by Her Majesty's judges may be inferred from the following remark made during a trial in the court of Queen's Bench, on the 9th of June last, when the Lord Chief Justice said that, "generally speaking, the ambiguous language of these mercantile documents makes them so doubtful that it perhaps would be better if they were referred to a mercantile tribunal. No doubt they are very intelligible to mercantile men, but to lawyers they are full of ambiguities."

An objection has been raised in our leading journal to the principle of creating special courts for special branches. The able writer in the *Times* must have overlooked the existence of the

Admiralty Court, the Court of Probate and Divorce, and the Bankruptcy Court, each expressly constituted for a special purpose.

"That plenty of persons," observes the same writer, "are found anxious to be justices of the peace, is true. But the same anxiety has never been remarked to fill the honourable office of special juror, which that of assessor more closely resembles."

The illustration is by no means felicitous. Let the office of magistrate be divested of the influence and prestige surrounding it, and how few would be found to take upon themselves the discharge of magisterial duties. But clothe it with the dignity of State, and you command the services of the best and ablest. So long as there are candidates for magisterial honours, there will never be a lack of able men to fill the important and responsible functions of assessor to these courts.

The urgent want of a tribunal to meet the requirements of the commercial community is universally admitted, and I could forcibly illustrate the statement by cases lying within my own experience.

The principle upon which mercantile courts is based is approved by the associated chambers of commerce. At their annual meeting, held in London in February last, their approval was then, as on a previous occasion, embodied in a recommendation to Government on the subject. The establishment of such courts in England would entail no additional expenditure, or if any, but a very trifling one, upon the country. They are eminently adapted to facilitate the adjustment of differences in a satisfactory and inexpensive manner, and to secure decisions founded upon commercial usage as well as commercial law. In conjunction with other commercial associations and corporate bodies, the Newcastle and Gateshead Chamber of Commerce has recently memorialised the Government to impress upon it the importance of introducing next session, a measure similar to the "Merchant Shipping Disputes Bill," which was promoted by that chamber, and which would give such valuable relief to the mercantile and shipping community.

Let us hope that their earnest efforts may ultimately be crowned with success. In the eloquent language of your noble president, I would repeat—

"It was the boast of Augustus that he found Rome of brick and left it of marble. But how much nobler will be the Sovereign's boast when he shall have it to say, that he found law dear and left it cheap; found it a sealed book, and left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it the two-edged sword of oppression, left it the staff of honesty and the shield of innocence."

On the Frame of a Bill for Enabling Parliamentary Electors Voluntarily to Withdraw their Names from the Local Registry, and form Unanimous Constituencies. By THOMAS HARE.

THE heads of a new law of electoral association which I now lay before you, are but a modification of a larger scheme, in which the powers I now propose to give to those electors only who may make a special effort to obtain them, are extended to all the electors of the kingdom as a part of the ordinary conditions of the franchise, carefully preserving all legitimate local and territorial influences. The discussions to which that scheme has given rise, suggest that a tentative measure, offering the wider powers first to those only who are able to appreciate them, will serve to prepare the public mind for the full development of the more perfect representation principle.

Among the first objects of representative government, no doubt, are wise legislation, fair and equal laws, and the appointment of upright and impartial administrators, the most perfect enjoyment by everyone of the fruits of his industry, and the best means of making that industry fruitful. These are summed up in the words, "good government," as the expression is commonly understood.

"If you are well governed," says a large school of politicians, "what does it matter how few of you have anything to do with the choice of your governors, or how small your part may be in public affairs?" This, you will have observed, is the substance of all the arguments against any great extension of the suffrage. The public attention is directed to the commercial activity and prosperity, to the freedom of action and of thought, the unrestricted and cheap press, and the contrast of all these advantages with the distrust of the people manifested in some other countries, and the condition of things in former and not very distant times, amongst ourselves. "Why," we are asked, "disturb or endanger so much prosperity and security by inviting or admitting the political interference of large bodies and classes who are submitting patiently to the absence of a privilege which they have never learnt either to regard as a right, or appreciate as valuable?" It has not been uncommon, at all times, to find men of great talent who thus reason. It is, perhaps, prompted by the natural instincts of those who are at ease in their possessions, receiving from large numbers of their countrymen respect and deference, and who have all the resources of wealth and civilisation at their command. I will not stop to inquire whether history has ever shown that "good government," even in this sense, can exist where large classes have no direct political influence. The discussions of this Society, on education, on crime, on reformation, on poor laws, on the influence of early and excessive toil in noxious

atmospheres, on the health and growth and well-being of those who are at the mercy of others, or in penury and ignorance—show that in this country, with its great activity and wealth, its vast material resources, with rich and leisured classes, more numerous than in any former time or other nation—vast masses of the population owe little to the Government, or to the society, of the arrangements of which no small number of them are certainly the victims. But suppose this good government, in its external and material sense, to have been attained. To say that this is enough, is but another form of the old fallacy, expressed in the common saying, that "if a good despot could be ensured, a despotism would be the best form of government." I meet this in language other than my own. Mr. Mill, in the third chapter of his work on "Representative Government," says—"I look upon this as a radical and most pernicious misconception of what good goverment is; which, until it can be got rid of, will fatally vitiate all our speculations on Government." I extract a few passages in which he exposes this fallacy. If all the difficulties in the existence of such a ruler were vanquished, what should we have? "One man, of superhuman activity, managing the entire affairs of a mentally-passive people. . . . What sort of human beings can be formed under such a regimen? What development can either their thinking or their active faculties attain under it? . . . Nor is it only in their intelligence that they suffer. Their moral capacities are equally stunted. Whenever the sphere of action of human beings is artificially circumscribed their sentiments are narrowed and dwarfed in the same proportion. The food of feeling is action: even domestic affection lives upon voluntary good offices. Let a person have nothing to do for his country, and he will not care for it. . . . Leaving things to Government, like leaving them to Providence, is synonymous with caring nothing about them; and accepting their results, when disagreeable, as visitations of nature. . . . With the exception, therefore, of a few studious men who take an intellectual interest in speculation for its own sake; the intelligence and sentiments of the people are given up to their material interests; and when these are provided for, to the amusement and ornamentation of private life. But to say this is to say, if the whole testimony of history is worth anything, that the era of national decline has arrived." *

As the absence of any participation in the functions of government leaves those who are excluded more or less destitute of the great and salutary inducements which they afford to the study and promotion of the common welfare, and therefore without the beneficial tendencies of thought and disposition which such considerations inspire; let us see, on the other hand, how the possession of such powers, in their largest measure, would gradually tend to raise the individual character, and, with it, the whole tone of social and political life. Let us remember that in political science it is only

* "Considerations on Representative Government," p. 49, 3rd ed.

with tendencies that we can deal. Under what conditions of the franchise would the higher qualities of the mind be most fully and perfectly called into exercise? The act of voting, intelligently performed, is an intellectual operation, which will be influenced by the moral susceptibilities, or controlled by the moral sanctions which prevail amongst the electors. Now, I do not hesitate to say that the present electoral system is, to a very large extent, more suited to degrade than to raise the individual character of the voters. It has become a work, for the most part, as little as possible fitted to the development of the intellect, and as dangerous as it can be made to the morals. In some constituencies we find the numbers so vast that the value of a single vote is next to nothing, whilst the utmost choice given to the voters is between two or three candidates, none of whom, perhaps, are in the smallest degree above mediocrity; and multitudes of thinking men, who stand without the vortex of party, can take no interest in a contest, to the result of which, from their estimation of the candidates, they cannot attach the smallest importance. In other constituencies, the numbers are so small, and the majority of the electors of such classes, as to make the elections inevitably corrupt, however more or less gross the form of the corruption may be; and in all constituencies, how small is the individual power—how little any elector, however earnest and thoughtful he may be, can do; how much is he at the mercy of others, and oftentimes of the managers, or small cliques, who manipulate the body of electors for their own purposes. All those who discourse on the suffrage and its consequences should reflect on the observation quoted by the President of this Department in his opening address—that we should consider men, as separate individuals, each with his own feelings, sentiments, and powers, and not as the pieces on a chess-board, to be made the instruments in the hands of the most skilful player. As education cannot be given, or health restored, except the teacher or the physician tender his instruction and his medicine to the individual, so the true and only method for giving their full virtue, and force, and efficacy, to representative institutions, is to extend, to the utmost possible degree, the power of individual thought and action. This can be done by enlarging the means of voluntary association—that union and co-operation of divers persons in a common object, which has enabled the British people to achieve so much,—for which nothing is too great or too small; by means of which a company of merchants effected the conquest of India, and associations of working men conduct with a wise economy the shops of retail trades for the supply of the wants of their families—a principle which, from its daily and rapid growth, seems even now but in its infancy.

The choice of a representative, as I have said, is an intellectual operation; it is an appeal to the intellectual powers, whether it be or be not successful in awakening them. In determining on the fitness and the worth of the candidates, the legitimate pro-

cess of thought would be analogous to that of the biographical critic. From the evidences of their knowledge, their character, from what they have already done, the electors have to judge what they are likely to do in the events foreseen or unforeseen, on which action or legislation may be called for; how far, in fact, they deserve confidence. This inquiry most electors are supposed to make, and do make to some extent, if they ask no more than if the candidate be a Conservative or a Liberal—a Tory or a Radical. But, pursued as it might be, and would come to be, if instead of having only a sort of Hobson's choice, the field of selection comprised nearly every man of deserved eminence amongst his contemporaries, the choice would involve a consideration of the diverse nature and results of education, of dispositions inherited or acquired, the incidents of an earlier or a later career, the evidences of intellect and of feeling, the proofs of talent, of energy, and of public spirit which that career had displayed. Grounds for confidence or its opposite might be drawn from the conduct of the candidates in vicissitudes and emergencies, under success or failure, in prosperity or adversity. In weighing the relative merits of a large number of candidates there is nothing in political or social life, nothing interesting to humanity, which might not be taken into account. Every kind of knowledge, every variety of sentiment may have some scope for exercise, and some appeal to its sympathies. Ancient and modern literature—Plutarch to Macaulay—have few departments of more universal and lasting popularity than those of biographical criticism, so profound is the interest awakened by such investigations of life and character. It is from such delineations that even fiction derives a great part of its charm. The political education of the Greek democracies, where public measures were discussed without the intervention of representatives, has been compared to that of the hustings; but if the field of choice were such as to lead to the critical inquiry which I have supposed, it would be a school of politics and morals far surpassing anything possessed by the Demos of Athens. Few natures would then be so dull or obtuse as not to perceive that when every vote is certain to be more or less effectual, apathy and inaction is humiliating and culpable; few will be able to avoid forming, from the list before them, some mental picture of what is in their eyes more excellent or worthy of respect or admiration in character or conduct. This ideal of superiority, if at first imperfect, will gradually, with the progress of culture upon the mind that reflects it, approximate more and more to real worth and excellence, and an ideal of what is good and admirable, habitually contemplated, becomes in the nature of a model to the mind which has embraced it.

How are the people of a great nation to be placed under conditions thus favourable to moral and intellectual progress? Two paths conduct to this end—paths which, at first sight, appear to diverge from each other;—or, in other words, two fundamental principles, which seem to be antagonistic, must be reconciled.

First, that electors shall have a wide choice of candidates, the most unimpeded freedom of action and selection, and the certainty that their votes will be effectual; and secondly, that the suffrage, instead of being confined to a privileged number, shall be so extended, that ultimately none shall be excluded, for whose exclusion some special and sufficient reason cannot be given. I insist on the second principle, because I believe that such are the benefits flowing from the intelligent exercise of political rights, that those capable of the function ought no more to be deprived of it than of the benefit of the common air they breathe.

The creation of large constituencies, and at the same time the augmentation of the electoral power of every single member of such constituencies, appear, at first, as I have said, to be incompatible things. And so they are under our present system. If a thousand persons elect one out of two candidates, the power of each is necessarily lessened if the electoral body be increased to two thousand. The power in that case is a fixed quantity, and what you give to the new electors you take from the old. But this limitation of the quantity of political power is due entirely to our narrow and artificial method of dealing out in niggardly portions the treasures—boundless so far as we know—which the advances of thought and science, under the beneficial influence of the Christian spirit, have placed at our service. Every elector might have before him all that the accumulated labours of his own and former ages have taught to be desirable or necessary in the work of human and social improvement, and might have the choice of the legislators and the statesmen who are the most able to apply this knowledge to the benefit of mankind. The political power of the constituency should have no other limit in quantity than the bounds of human capacity, and of individual and national progress. Elections, instead of being battles in which one section of the people struggles to exclude the opinions and views of another from expression in the representative assembly—stimulating the efforts rather of the more selfish and animal part of the human character—may be a contest of a far loftier kind, in which all will strive to enrich the representative body with the product of the maturest thought of all. Instead of being penned within certain narrow districts, and forced to agree in electing one or two out of three or four, who ingeniously or fortunately procure themselves to be placed in nomination, electors should be able, if they desire it, to add their suffrages to any other electors in the kingdom with whom they sympathise, and to select from all the candidates those whom they believe to be best fitted to take a part in the deliberations of that great council, which may exercise so large an influence on our nation and race.

I propose—1. That any voter who may desire to exercise his franchise more satisfactorily to himself, or more effectually than he is able to do in his own constituency, may be at liberty to withdraw his name from the local register, and place it on a general register. 2. That in the office of the General Registrar a computation be made

of the total number of voters in the kingdom, on the annual registration, which, with the quotient of such total, divided by 658, shall be certified yearly to the Speaker of the House of Commons. 3. That it be thereupon declared that at the next general election, the voters on the general register shall be entitled to elect so many members as the number of such voters, divided by the said quotient; and, 4, the number of members so to be chosen shall be taken from the boroughs and districts having the smaller number of registered electors for each member, beginning with the smallest, then proceeding to the next above it, and so on; but no place shall be so disfranchised which shall have as many registered electors as such quotient.

A small charge may be imposed upon a person so transferring his name, and several other subordinate provisions would be necessary, the statement of which would exceed the time allowed for this paper.

I would call your attention briefly to the extent to which this electoral amendment would meet the wants of our working men, who have especial subjects of deliberation or complaint to bring before Parliament; to the facility also that it affords to intellectual men of being heard on measures of public policy and proposals of amelioration. At this moment seventeen hundred members of the University of Oxford, including a large majority of those who were distinguished in their academical career, have nothing but the mockery of, or what is called, "virtual" representation. Consider, also, how it would save the electoral influence of every elector who now or hereafter may feel himself "swamped" in a constituency in which he has no influence; consider, also, how it would save every elector in corrupt constituencies from the degradation of being one of a body which has been ignominiously sold. All these might send to Parliament the most perfect exponent of their opinions if they had the sanction of a single quota of persons of like sympathies.

I will add a few words to explain, briefly, the method of candidature and polling which may be adopted.

Suppose that from the kingdom at large 50,000 voters place their names on the General Register, and that the quota be 2,000, the number of members they are entitled to choose being, therefore, 25. For the suffrages of such a constituency it is not too much to expect at least a hundred candidates, among whom will be men of distinction in every walk of life. I expect many more than 100, for the conditions of candidature will invite men who are unable or indisposed to spend large sums of money in elections, and who have better recommendations than those of the purse. Each may be required to pay a sum, say £50, to cover the expense of the election. If he desire to publish an address, stating his opinions and claims, he may be required to pay the cost of printing and paper, and it shall be a duty of the registrar to cause it to be printed uniformly, and transmitted with those of the other candidates, in one or more volumes, to

every elector on the general register, and to be sold to the public at cost price. A volume of disquisitions on public matters containing summaries and criticisms of the past, and speculations and aspirations for the future—the combined work of many intelligent men—placed thus in the hands of the electors, is likely, even when all deductions are made, to be no slight contribution to political thought. It is a competitive investigation which cannot be unprofitable or uninstructive. The candidates for the General College will be ashamed to hire canvassers, and will have no occasion to cover the walls with humiliating placards; displays unworthy of the dignity of the functions to which they aspire, and as offensive to the sense of propriety as they are degrading to the understanding of the people.

The electors having before them the list of candidates and the several declarations of their political creed, will fill up and forward the voting papers, with which the general registrar will supply them, to that office. No vote will be taken for more than one candidate, but each voter may insert the names of as many candidates as he please, in the order of his preference, that in case the first named candidate should have more than a due proportion of votes, the surplus may not be lost, but be given to the next named candidate, and so on. If 2,000 votes were the quota, no more would be appropriated to any candidate: after taking the candidates having 2,000 votes, the remaining members elected would be those polling the largest numbers under 2,000.*

The operation of the smaller boroughs which are thus displaced will be of this kind: taking an alphabetical list of boroughs, I find that among those in the letters A B and C there are twenty-four having severally less than 500 voters. The member for the smallest, having 175 voters, will be first transferred. Next is a borough with 356 voters returning two members, that is 178 for each member, one of whom will be taken; then there is a borough with 192 voters and one member, who will be transferred. These examples will suffice to exhibit the working of the measure as it affects the smaller districts.

It seems to me that the only opponents to such a voluntary association of electors, must be either the admirers of the political results of the small and more or less rotten boroughs, or persons whose influence depends upon them. The creation of separate constituencies for electors of enlarged views and wider sympathies, could hardly be complained of by the electors of all other constituencies which would be more unfettered by their diminution. It cannot be other than a national gain to substitute an unanimous body of thoughtful persons, limited in number and composed for the most part of the *élite* of all the constituencies of the nation, in place of the political jobbers and petty dealers and shopkeepers, with their paltry aims, who now go far to make up the smaller constituencies. The

* A more enlarged explanation will be found in the treatise on the "Election of Representatives," p. 189, 3rd ed., Longmans: 1865.

better and more educated inhabitants of those small boroughs, who seek no capital or profit from electioneering, are persons who are as likely as any to add their names to the General Register, and thus vastly increase their influence for all good purposes. The better and more reflecting of such inhabitants are commonly disposed to lament rather than pride themselves on their political privilege, as a fruitful source of local demoralisation. If you talk of enfranchising for the first time a town near one of such boroughs, it is usual for the better classes of its inhabitants to earnestly deprecate the introduction amongst them of a privilege, which is found so prolific a source of vicious influences. I see no ground to suppose that they can ever be fountains of wisdom or virtue, salutary to the nation. But it is not necessary to disfranchise personally even those voters, for they may be added to the county or incorporated with some neighbouring borough.

The objections which I have heard in former discussions are entirely candidates' objections. It is of no benefit to electors to be huddled and tied together as they are. It suits candidates, especially those who have small reputation to recommend them, that electors should be packed in boroughs, and have as little as possible of freedom of choice. They are more easily managed, and political success is far easier. I have no sympathy with those objections. It is the electors and not the candidates that I primarily regard. I have no fears that worthy candidates will be wanting. The higher the intelligence of the electors, the higher the tests they impose, the higher will be the character of the candidates they will call forth. What has been the effect of our great exhibitions—the competition of skill and industry—but the improvement of the objects subjected to such competition?

In conclusion, let me say that none of the schemes suggested for the representation of minorities make any real approach to a system of individual freedom of electoral action. What objects they may accomplish in a party point of view I will not say; but the individual independence which I seek, they will not achieve. Whether the plan embodied in the Bill of 1854, or the suggestions of Earl Grey or Mr. Marshall, give a voice to one-third or two-fifths of the constituency, they make no appreciable addition to the individual power of each elector. He is still at the mercy of those about him. He is politically impotent unless he can induce, by some means or other, the third or the two-fifths, numbering probably thousands of his particular constituency, to agree with him. But this is what not one in ten thousand can accomplish. There can be no full encouragement to inquiry and thought—nothing like perfect, free electoral action—unless every individual elector be liberated from the necessity of procuring the assent of a multitude around him, and be allowed to associate himself with other voters of like sympathies and opinions, wherever they may be found. Genius itself could never have written a great poem, painted a great picture, or accomplished a great work, if for every line or stroke the approval of a third of

the town must have been had; nor can any elector give the effectual testimony of his vote in support of what he regards the noblest principles or the noblest men, if he be first obliged to obtain the agreement of the third of his town as to what is noble. Compare the mental development which our system affords with what it might be, by an illustration from what our training of any of the lower animals would produce. Compare the horse, perpetually tethered at the end of a chain, or worked in a mill, with what the same animal would be ranging over a boundless pasture. And yet this is but an insufficient illustration, for no degree of development of the body can be compared to the powers of expansion of the gifted and immortal mind, ever straining towards a goal still to be attained, and ever looking upward for examples of a higher and a better type of being.

The Practical Results of the Total or Partial Abolition of Capital Punishment in Various Countries; Prepared as a Summary of the most Recent and Authentic Information on the Subject. By WILLIAM TALLACK, *Secretary to the Society for the Abolition of Capital Punishment.*

IT is not intended, in this paper, to enter upon the general question of capital punishment, but rather to present a summary of facts and historical results illustrating its practical aspects. As a Royal Commission has been appointed to inquire into the whole subject, the Committee of the Society for the Abolition of Capital Punishment judged it important to collect evidence from the different states of Europe and America, in order that they might be prepared, if invited, to offer it to the Commission. With this view, the writer was instructed, by the Committee of the Society, to enter upon a general correspondence and investigation respecting the experience of various countries in relation to the total or partial abolition of the death penalty. These countries are the following, in addition to our own, viz.: France, Russia, Austria, Prussia, Portugal, Belgium, Italy (particularly the province of Tuscany), Bavaria, Wurtemberg, Baden, Oldenburg, Brunswick, Nassau, Switzerland (especially the two cantons of Freiburg and Neufchatel), the Danubian Principalities, and certain of the United States of America, as Michigan, Wisconsin, Rhode Island, Maine, Massachusetts, New York, and Pennsylvania.

Taking a glance at the experience of these nations, separately, we will commence with France.

The advocates for the removal of the death-penalty find encouraging results in the officially published statistics of France, a country with a population of 40,000,000 inhabitants.

Under the old French legislation, 115 crimes were capital. The code of 1791 reduced them to 32, and that of the Empire in 1810 to 27. The revised code of 1832 further reduced them to 17, and subsequent changes have made them only 15. Thus exactly 100 crimes have been rendered non-capital, in France, in 75 years.

King Louis Philippe's experience and observation convinced him of the inefficacy of capital punishment, and, as a great step towards it, he secured, in 1832, the power of juries to return verdicts of "guilty with extenuating circumstances" on murder trials. Such a verdict renders it compulsory on the court to lower the penalty at least one degree. Since 1832 this power has been largely exercised, and in some instances, perhaps, carried to an excess. But notwithstanding this, and the greatly reduced number of executions, we have the official testimony of the Keeper of the Seals (Garde des Sceaux), that the marked diminution of capital punishment during the last 30 years has not caused crime to increase, but that, on the contrary, there has been a decrease. The correctness of this statement is confirmed by the published official statistics of France, extending over that period, and which show that there were, in the five years ending 1860, fewer committals for homicidal crime than in the corresponding period 30 years previously, notwithstanding the great increase of population and the extensive exercise of the prerogative of mercy, both by juries and by the sovereign.

The latest experience of France runs in the same direction, for there were but five executions in that country in 1864, and only nine capital sentences passed, after a continued decrease in the number of executions during 30 years.

Date.	Committed for all Homicidal Crime.	Average Annual Condemnations to Death for ditto.
1826-1830	702	111
1831-1835	732	66
1836-1840	714	39
1841-1845	715	48
1846-1850	799	49
1851-1855	750	53
1856-1860	660	...

Date.	Capitally Condemned.	Executed.
1861 ...	26	14
1862 ...	39	25
1863 ...	20	11
1864 ...	9	5

To proceed to Russia.

There is a considerable degree of misunderstanding prevalent respecting the internal and social condition of this vast empire. Notwithstanding many relics of barbarism, which are, however, rapidly disappearing, Russia has made astonishing advances in reform of late years; and the efficiency of many of her civil and social institutions has excited the admiration of impartial observers. The recent peaceful and bloodless emancipation of 20,000,000 serfs by the present emperor, is a most favourable evidence of general loyalty and order.

Amongst her reforms, Russia has, for upwards of a century, *i. e.*, since the reign of the Empress Elizabeth, discontinued the punishment of death for murder, although inflicting it for political crimes, at least during revolutionary periods. But even as to the latter class of offences, there has been far more clemency exercised than is generally supposed in this country. But some crimes which would not be deemed political ones here, are considered as such in Russia, and liable to capital punishment accordingly--as, for instance, infringement of quarantine. But the extreme penalty is very rarely carried into effect for these; and, it is believed, never for murder or civil crimes.

It has been sometimes stated that murderers are knouted to death in Russia. The writer has taken special pains to inquire into the truth of this allegation, and has been informed, from an official source, that it is an incorrect statement. The knout has for some time been abolished in Russia; and even as to its former application, authentic evidence is wanting in respect of its infliction in cases of murder and non-political crimes.

A letter has been forwarded to the writer through the British Embassy, at St. Petersburg, from a Russian general, the governor of a large province in the Oural district, who has regularly under his care from 4,000 to 5,000 transported criminals. For particular reasons, he does not wish his name to be published; but his communication is valuable and interesting, and has been transmitted to the Royal Commission on Capital Punishment. In it the General states, that 100 years of Russian experience have proved the favourable results of transportation in lieu of capital punishment; and that the great majority of those transported become reformed characters, while most of those who are imprisoned grow worse instead of better.

It is only during the last few years that a systematic registration of official statistics has been instituted in Russia, and it is as yet too early to expect their publication to any satisfactory extent. But the statement just quoted from a Russian provincial governor is fully confirmed by the description contained in an interesting work published in 1864, "The Siberian Overland Route," by Alexander Michie, Esq. According to the report of this author, the problem of the successful treatment of convicts, for capital crimes or otherwise, appears to have been solved more successfully by Russia than

perhaps by any other country. He states (p. 321) that—"Eastern Siberia may be said to be entirely peopled by the descendants of convicts. These belong to two categories: those who are condemned for capital crimes, and those who are expatriated for minor offences. The criminal who belongs to the first category, when he has undergone the corporal punishment allotted to him, and served his term of hard labour, generally mitigated, in the Government mines, has a portion of land granted him on being released from his confinement."

Here we see the adoption of the two chief essentials which all experience has proved necessary for successful convict treatment, viz., the improving discipline of prolonged habits of labour, combined with and sustained by some element of hope for amelioration as an attainable result of industry.

The exiles travel in sledges or carts, and in general are treated kindly. They are, on system, widely scattered over Siberia. Attempts to escape are very rare, but are severely punished when they occur. The convicts are not permitted to return to Russia, but they may have as much land as they can individually cultivate, and may retain it for themselves and their families. Mr. Michie speaks of Siberia as being a land of settled communities, enjoying all the amenities of civilised life.

Altogether, it appears that capital punishment has been nearly discontinued in Russia for a long period, without inconvenience and with decided advantages. This applies both to crime in general and to the particular class of homicidal crime, which alone is deemed in many other countries to demand its infliction.

The information received from Austria is very limited, but such as it is, it appears favourable. In that country, notwithstanding the severe treatment of political offenders, capital punishment is not inflicted on merely circumstantial evidence, neither is it in the case of minors.

The exercise of the Imperial prerogative of mercy is carried to an extraordinary extent. In 1852-3 only 8 per cent. of the criminals sentenced to death were executed; the sentences of 92 per cent. being commuted! In the last ten years, ending 1864, only 5 per cent. of the condemned have been executed, 95 per cent. being commuted! But capital crimes do not appear to have increased. In 1831 the condemnations were 42; in 1843 they were 30. At the Hungarian Revolutionary period, from 1845-48, they rose nearly to an average of 90. In 1862, notwithstanding the vast exercise of mercy in recent years, the capital condemnations were only 37.

Under the present penal code of Prussia about twelve crimes are capital. It is stated that, as compared with the former severer code, there has been a marked increase in the committals for crimes which are now no longer capital. Assuming the truth of this, although in the absence of statistical proof, there is good reason, from the

experience of other countries, to infer that on the removal of the capital penalty for these minor crimes the commitments for trial immediately increased, through the willingness of prosecutors to seek conviction and punishment in a class of cases which they had been reluctant to press previously to the penal amelioration. There has of late been a remarkable increase in the exercise of the prerogative of mercy in Prussia by a great extension of commutations for murder through the imposition of life-imprisonment instead of death. This appears to have produced no increase of the crime, but the contrary. The Prussian Government must have had strong practical reasons for reducing, as it has done, the number of executions for murder from 102 in the five years ending 1857, to 13 in the similar period ending 1862. Their wisdom is justified by the result; for although the executions for murder in the latter five years were 89 fewer than in the former, yet the number of murderers convicted did not increase, but, on the contrary, decreased by 31.

Thus, so far as Prussian experience goes, it tends decidedly to prove the superior security arising from the substitution of a severe secondary punishment instead of the capital one.

(From Official Statistics.)

Recent sentences and executions for murder only in Prussia :—

Date.	Sentenced to Death.	Executed.
1853	37	28
1854	30	23
1855	33	20
1856	27	19
1857	31	12
Total in 5 years .	158	Total in 5 years 102
1858	26	3
1859	21	2
1860	20	
1861	32	4
1862	28	2
Total in 5 years .	127	Total in 5 years 13

The abolition of capital punishment has long had many energetic advocates in Belgium, including some of the principal Ministers of State. For a period of five years, namely, from 1830 to 1834, their influence was so considerable as to induce the Government virtually to suspend the capital penalty, and no execution took place during that term. The result was so satisfactory that in those five years only 22 persons were condemned for homicidal crimes—a con-

siderably smaller number than for any preceding five years of the present century. In the five years ending 1829 there were 22 executions in Belgium. But in the next five years, with no executions at all, there were fewer murders committed than previously. Nevertheless, owing to the fears of certain influential parties, capital punishment was resumed in 1835, though to a far more limited extent than in former years. Four persons were executed during the ensuing five years ending 1839, but the committals for homicidal crimes, which for 35 years past had been steadily decreasing, now rose nearly 50 per cent. as compared with the preceding non-capital punishment period. Although the experiment of abolition was not continued in its entirety, it so far satisfied all parties in Belgium that there has been a great and permanent diminution of executions ever since.

The most recent Belgian experience tends to a resumption of the entire abolition of the capital penalty, for latterly with more than 75 per cent reduction in the number of executions, there has been a decrease of capital crime in spite of an increase of population. The writer has been informed by M. Visschers, connected with the Belgian Government and a well-known philanthropist, that the recent repeated commutations of capital sentences, even in the most aggravated cases of murder, indicate a conclusion on the part of the authorities to return to the policy of the period from 1830 to 1834, that is, again virtually to suspend death-punishments altogether. But whether or not this course be adopted in its entirety, at any rate the experience of Belgium for more than half a century has greatly encouraged the opponents of capital punishment both in that country and elsewhere.

M. Ducpetiaux, Inspector of Prisons, in a work published during the present year, states that in the four provinces of Liège, Limbourg, Luxembourg and Namur, only one execution has taken place for 40 years, and that nevertheless grave crimes are known to be relatively much more rare in these districts than in the other provinces. This may, it is true, be owing to independent causes, but it happens to be quite in harmony with the other experiences of the abolition of the death penalty.

Professors Nypels and Thonissen, Dr. Desoer, M. Auguste Bury, and other gentlemen, have recently issued a series of pamphlets, published at Liège, reviewing the penal experiences of Belgium, and urging the practical adoption of the lesson taught by those experiences, viz., that crime is more effectually restrained and punished by severe secondary rather than by necessarily uncertain capital penalties.

M. de Bavay, Belgian Attorney-General, in a speech at Brussels in October, 1863, showed that in Belgium condemned homicides have 93 per cent. of chances for escaping execution, inasmuch as since 1831 there have been pronounced 755 capital sentences, out of 2,970 committals, which have been followed by only 52 executions, or rather less than 7 per cent., being only one execution out of 14 condemnations and 57 committals!

In Belgium the commutations of capital sentences result in lengthened imprisonment, sometimes for life, but generally for a shorter period. In the Ghent prison there are about 400 of these prisoners for long terms. Visitors who have inspected it report very favourably on the condition of the inmates. The separate or cellular system has not been introduced into that prison, but is being adopted in the more modern ones.

One of the cases which has claimed King Leopold's clemency is very suggestive. In 1842 three hawkers were condemned to death for crimes of the most aggravated description; but a commutation to imprisonment for life was granted. Eventually another man confessed the crime and charged two others as accomplices. The latter were subsequently condemned for it, and the first three liberated with life-annuities by way of compensation.

BELGIAN STATISTICS.

Date.	Total Executed.	Condemned for Homicidal Crimes.	Condemned to Death for other Crimes.
1800-1804 ...	235	150	203
1805-1809 ...	88	82	70
1810-1814 ...	71	64	49
1815-1819 ...	26	42	29
1820-1824 ...	23	38	23
1825-1829 ...	22	34	40
1830-1834 ...	0	22	38
1835-1839 ...	4	31	49

Date.	Accused of Capital Crimes.	Condemned.	Executed.
1851-1855 ...	479	152	17
1856-1860 ...	444	107	4

Tuscany was the first European state to make the experiment of the total abolition of capital punishment. From a conviction of its inefficiency it was virtually abolished by the Grand Duke Leopold in the year 1774, and further repealed by statute in 1786. Nevertheless, murders in Tuscany decreased. About this period the French Revolution convulsed Europe, and in consequence of the ensuing political agitations and of a dread of conspiracies, the death-penalty was re-enacted, but still not actually enforced, in Tuscany, in 1790; but no execution occurred in that state from 1774 to 1799, a period of 25 years.

During the first 30 years of the present century the scaffold was very rarely raised in Tuscany, but in 1830 two executions took place, one at Pisa, and one at Florence. On this occasion the inhabitants of the latter city testified their horror of the punishment

by deserting the streets, and closing their windows and shops. In 1841 Professor Mittermaier, the eminent German jurist, was at Florence, and, during a conversation with the Grand Duke, the latter, alluding to the execution in 1830, stated "that the people had taught him such a lesson that in future no executions should take place in his dominions, especially as the reports of the authorities were unanimously in favour of the abolition of capital punishment." (Quoted from "Mittermaier's account," edited by Mr. Moir, p. 72.)

No execution has taken place in Tuscany since 1830, a period of 35 years. There have, however, been several nominal changes in the enactments respecting capital punishment. In 1847 it was a second time abolished by statute in consequence of its virtual disuse for so long a period. In 1848, and subsequently, revolution again disturbed Italy, and in 1852 it was deemed necessary to re-enact capital punishment in Tuscany; but still it was not actually enforced, and the popular disapprobation of its renewed legalisation was general and effectual. In 1859 and 1860, after the union of Tuscany to the new Kingdom of Italy, capital punishment was a third time abolished by statute. This abolition is specially recognised by the new Italian Code of 1860, and is the present condition of Tuscan law on the subject.

In proof of the success of the abolition of the death-punishment in Tuscany, at various periods, Professor Mittermaier quotes the Count de Menau, French Governor of that province under Napoleon I. In a report to the Emperor he stated that under the Grand Duke Leopold, the number of crimes committed was less than half of those perpetrated under the King of Etruria, who governed rigorously. In 1841 Signor Puccini, President of the Court of Appeal in Florence, informed Dr. Mittermaier that, according to his experience, the abolition of capital punishment in Tuscany had no evil consequences. Mittermaier also states that "the great majority of the Tuscan jurists agree in thinking that capital punishment never ought to be re-enacted." In confirmation of this, he quotes testimonies from the highest Tuscan officials, including Signor Lami, Procurator-General, De Bologna, President of Police, and Signor Peri, Director-General of Prisons.

In 1865, in the Italian Chamber of Deputies at Turin, Signor Mancini publicly interpolated the Minister of Justice, as to his having forwarded certain alleged defective and somewhat unfavourable statistics to the English Royal Commission on Capital Punishment. The minister, Signor Vacca, in reply, admitted that the said statistics were very defective, and further declared that he was in favour of abolishing capital punishment throughout Italy, but considered the present time inopportune for such a measure. (See Italian journals, March, 1865; also the *Times*, March, 9.)

Signor Mancini quoted in the Italian Parliament, in 1865, recent Tuscan statistics extending over 18 years (1847-1864), showing no increase in homicidal crimes, but on the contrary a relative decrease considering the increase of population.

In concluding this brief review of Tuscan experience, we may reasonably infer that if the Government and people of that state had found the abolition of capital punishment to be a practical failure, they would not have continued its suspension, as they have done, for two long periods of 25 and 35 years; nor would they, after 90 years' interval since its first virtual disuse, have enforced, as they have recently, the third legal repeal and still existing discontinuance of the death-penalty. Capital punishment was virtually abolished in Tuscany in 1774. It remains both virtually and legally abolished there in 1865.

As regards the death-penalty in the other Italian states, it may be here noticed that a wide-spread demand has recently been made for its abolition. Large public meetings for that object have been held in the chief cities. Garibaldi has given in his adhesion to the movement, in a letter to the citizens of Brescia, dated January 2, 1865, and a measure for the abolition throughout Italy was introduced into the legislature of Turin, during the present year, and although rejected in the Senate, passed the Chamber of Deputies by 150 votes against 91, a majority in its favour of 59, or rather more than three to two.

The statistics alluded to in the Italian Legislature by the Minister of Justice, and acknowledged by him as defective, merely extend over two short periods, amounting together to somewhat less than twelve years, from 1852 to 1864. As such they indicated that whilst homicide in general had decreased under the re-enacted abolition of the death-penalty, yet that premeditated murder had increased. But during neither period had there been any execution.

Signor Mancini quoted in the Chamber of Deputies the following statistics, extending over 18 years :—

1. District of Court of Appeal of Florence.

Date.	—	—
Oct. 11, 1847, to Nov. 16, 1852, 5 years.	21 Condemned for capital offences. No executions, but capital punishment nominally in existence by statute. Average 4 per annum.	9 for murder with robbery. 11 for premeditated murder. 1 for robbery with violence.
Nov. 17, 1852, to April 30, 1859, 6½ years.	27 Condemned. Capital punishment abolished. Average 4 per annum.	20 murders with robbery. 7 premeditated murders.
May 1, 1859, to Dec. 31, 1864, 5½ years.	22 Condemned. Capital punishment abolished. Average 4 per annum.	10 murders with robbery. 12 premeditated murders.

Showing no increase of capital crime.

2. THE OTHER TUSCAN COURT OF APPEAL, VIZ., THAT OF LUCCA.

Date.	—	—	Per Ann.
1854–1859	Capital punishment nominally existent, but no executions.	11 premeditated murders.	2
1860–1864	Capital punishment abolished by statute.	6 premeditated murders.	1

Showing no increase of capital crime.

Several of the cantons of Switzerland have almost discontinued capital punishment, and two, viz., Freiburg and Neufchatel, have abolished it altogether. There has been no execution at Freiburg since 1832, nor at Neufchatel since 1830, a period of about 35 years. But the formal abolition of the capital penalty, by statute, did not take place in either canton till 1848, after more than 15 years experience of the discontinuance.

Last year the writer received from the Swiss Minister of the Interior at Berne a letter, dated January 4, 1864, containing the following statement respecting Freiburg. After mentioning that in that canton there had been some demand for a re-enactment of capital punishment, and that, in consequence, an official inquiry had been instituted to investigate the practical result of the abolition, the minister writes :—

"The report resulting from this inquiry stated that, neither crime in general nor special crimes against life and health have been in any way relatively more numerous in the 15 years since the abolition of capital punishment, than in the 15 years which immediately preceded its repeal."

Subsequently to the despatch of this letter some official statistics were forwarded to England, which showed a considerable increase in homicidal crimes in Freiburg since 1848. As this appeared to be somewhat inconsistent with the purport of the foregoing letter from Berne, the writer applied to the Government of Switzerland for an explanation. This was courteously afforded in the form of a letter to the Royal Commission which, although confirming the fact of an increase of homicidal crime, stated—

"You would be mistaken if you should attribute this increase to the abolition of capital punishment, as it has been merely accidental. Canton Freiburg being a very small canton, and the third part of the criminals being foreigners, this example cannot be of any prejudice to the question." This letter is signed by the Swiss Minister of the Interior at Berne, and dated February 16, 1865.

It is further to be remembered that neither in the 15 years before 1848, nor in the 15 years afterwards, did any execution take place in Freiburg.

In Neufchatel there is no evidence of an increase of premeditated

murders, but the use of the knife in tavern-brawls is stated to have been more frequent since 1848. This circumstance having been especially mentioned, with some unfavourable comments as to the abolition of capital punishment, by Mr. Rumbold, in a diplomatic report on the Penal Laws of Switzerland, the writer of this paper has recently applied to the Government of Neufchatel for precise information, and has been courteously favoured with a satisfactory and detailed reply from the Minister of Justice, dated August 24, 1865. From it the following is extracted.

After stating that "Up to the present time we can comprehensively affirm that the abolition of capital punishment has not at all changed the condition of morals" in the canton, he remarks—"there is, further, another special circumstance which takes away the value of much of our statistics in the direction required; that is the recent construction of our railways, extending over a considerable time. This has brought to the public works a multitude of persons" [whom he elsewhere speaks of as "foreign labourers"], "amounting to several thousands, to whom the use of the knife, or of some other weapon, was thoroughly habitual. So that a great number of outrages committed since 1848 do not appertain to the normal state of the country. . . . Consequently, sir, by separating the foreign element of the railway construction period, we have not observed that the abolition of capital punishment has increased the personal attacks capable of being qualified as *assassinats*" [*i. e.* murders of the worst description; premeditated ones]. "These have always been very rare in our canton and are so still. What has observably increased is the use of the knife in tavern-brawls, and this is incontestably a *foreign* importation." Signed, PIAGET, Director of the Department of Justice.

Mr. Consul-General Rapp informs the writer, in a letter, dated London, September 14, 1865, that a Commission has been instituted by the Canton Zurich for the revision of the Penal Code, and that it has decided, by 9 votes against 4, to recommend the abolition of capital punishment in that canton.

In Canton Glarus there has been no execution since 1836, nearly 30 years. A recent official report of that canton, dated 1864, states—"It is so far certain, that serious crimes such as murder, robbery, incendiarism, rape, and infanticide are of rare occurrence in this canton, and that, at all events, the mitigated spirit which has obtained in our laws, has not had any perceptible results as regards encouragement to or increase of the criminal class."

On the whole, then, it is stated plainly, repeatedly, and on official authority, that the experiences of Switzerland have not been unfavourable to the abolition of capital punishment.

FREIBURG STATISTICS.

Crimes against Life and Safety.

1833-1847 (no execution)	169
1848-1862 (no execution)	139

Crimes against Life.

1833-1847	19
1848-1862	45

Increase of population 20 per cent., and railway construction period.

For 19 years capital punishment has been virtually abolished in Portugal, and with excellent practical results. The last execution took place in 1846. The Portuguese statistics of homicidal crime are very satisfactory, and exhibit a continued and steady decrease to a very considerable degree. Thus the number of such crimes committed in 1851, was 278; in 1855, 173; and only 142 in 1860.

The capital sentences are commuted to hard labour for life, but this is often mitigated. A Committee of the Portuguese Legislature, in a report presented in 1864, recommend a maximum infliction of 20 years' imprisonment as a substitute for the capital penalty. That report adds, in explanation—

"On the one hand, the maximum thus fixed, namely 20 years, is sufficient to bring the criminal either to the ordinary limits of human life, or at least to an age at which the strength for guilty purposes is broken down; on the other hand, it has been constantly remarked that nothing is so favourable to impunity as excessive rigour of punishment."

Homicidal Crimes Committed.

1851	278	1856	162
1852	288	1857	152
1853	255	1858	139
1854	224	1859	146
1855	173	1860	142

As to Sweden.

Latterly there has been a great decrease in the number of executions, and during the past six years ninety per cent. of the capital sentences pronounced have been commuted. Nevertheless, capital crimes have rather diminished than increased. By the new Penal Code of Sweden, power is given the judge in capital cases to pass sentence of death, or of hard labour for life, according to the evidence as to extenuation or otherwise.

As to Bavaria, Wurtemberg, and Baden.

In these three countries there is an increased tendency, on the part of their respective rulers, to disuse capital punishment, and so far as this policy has been carried out, the results are not unfavourable.

In February, 1865, the Wurtemberg Chamber of Deputies voted the abolition of capital punishment by 56 to 27, but the measure did not pass the Upper House.

Yet the infliction of the death-penalty appears to be virtually suspended in Wurtemberg, in Baden, and in Bavaria. The writer has recently received a letter from Professor Mittermaier, dated Heidelburg, Baden, June 26, 1865, in which he states—

"You will be pleased to know that there have been no executions in Bavaria, under the young King, for 4 years past, nor in Wirtem-

berg for 2 years, nor in Baden for 3 years; whilst the number of murders has not increased, and the people in the three States are satisfied with this *de facto* abolition of the punishment of death."

As to Oldenburg, Nassau, and Anhalt.

Capital punishment is totally abolished in these three States, and has continued so in the two former since 1849, and in the latter since 1850. According to a recent official report, the abolition of capital punishment in Oldenburg has not led to an increase of the crimes formerly capital. And in a letter to the writer, dated Heidelberg, December 6, 1864, Professor Mittermaier says—"I am in correspondence with eminent lawyers of Nassau and Oldenburg, and can assure you that, according to the letters received, the general opinion amongst the lawyers and citizens of Oldenburg and Nassau is, that the number of murders is not increased, and that there is not any reason to re-establish the punishment of death. . . . In the three States official criminal tables are not published."

Capital punishment is virtually abolished in Brunswick, and an official report states that there has been no increase in capital crimes since the adoption of the milder system. The death-penalty is also abolished in Bremen, and is reported to be discontinued in Moldavia, Wallachia, San Marino, and the Island of Tahiti, but no detailed information has been obtained from these localities.*

Very recently the death-punishment has been abolished in two of the South American countries, viz., in Venezuela in 1864, and in New Grenada ("the United States of Columbia") in 1863. But nothing conclusive can be inferred from the results of so short an experience.

Several of the United States, viz., Rhode Island, Wisconsin, and Michigan, have totally abolished the punishment of death, and with good practical results. In other of the States it is only inflicted for murder and treason. The writer is indebted for some valuable official and other recent information, respecting these countries, to the courtesy of John Bright, Esq., M.P., the Hon. Andrew Curtin, Governor of Pennsylvania, Richard Vaux, Esq., of Philadelphia, and Professor Upham of Maine.

The Hon. Austin Blair, Governor of Michigan, in a letter to Mr. Bright, M.P., dated Lansing, March 23, 1864, writes that capital

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* It is appropriate to make allusion here to the experiment made in India whilst Sir James Mackintosh was recorder of Bombay. The charge delivered by that eminent man to the grand jury of that city, in July, 1811, contains the following paragraphs, after quoting the criminal statistics of Bombay for 50 years:—

"It will appear that the capital crimes committed during the last seven years, with no capital execution, have, in proportion to the population, not been much more than a third of those committed in the first seven years, notwithstanding the infliction of death on 47 persons. The intermediate periods lead to the same results."

"This small experiment has therefore been made without any diminution of the security of the lives and property of men. Two hundred thousand men have been governed for seven years without capital punishment and without any increase of crimes."

punishment has been totally abolished in that State for nearly 20 years, *i.e.*, since 1847. He quotes statistics showing that murders have not increased since the abolition, and adds—"There can be no doubt that the public opinion of the State sustains the present law, and is against the restoration of the death-penalty. . . Conviction and punishment are now much more certain than before the change was made. . . It is found practically that a trial for murder excites no very unusual interest."

Mr. William L. Seaton, the chief officer of the State Prison, is quoted by Governor Blair as reporting that "he is very firm in the opinion that not more than four or five of the 37 [murderers convicted since 1847] would ever have been convicted had hanging been the penalty." The governor adds—"I am, in fact, persuaded that too many convictions occur. In two cases where applications have been made for pardons, I am satisfied that the crime was manslaughter, and not murder." He further states that murderers of the first degree are imprisoned for life, not in solitary cells, but employed as the other convicts are, yet liable to be sent to solitary cells if needful. This system "has seemed to work well."

EXTRACT FROM GOVERNOR BLAIR'S LETTER TO MR. BRIGHT, M.P.

Since 1847 the average population of Michigan has been 600,000. The convictions for murder have been as follows:—

1847	...	... 1	1856	...	... 3
1848	...	... 3	1857	...	... 3
1849	...	... 1	1858	...	... 3
1850	...	... 0	1859	...	... 2
1851	...	... 3	1860	...	... 3
1852	...	... 1	1861	...	... 1
1853	...	... 2	1862	...	... 1
1854	...	... 5	1863	...	... 0
1855	...	... 4	1864	...	... 2

In Massachusetts, New York, Ohio, and some other States, murders are classed according to the degree of atrocity, and those of the first degree are punishable capitally. But commutations are very frequent. There is said to be comparatively little hesitation with jurors in these States as to finding capital convictions. In Ohio about half of the capital sentences are commuted. In Massachusetts more than two-thirds are commuted (*e.g.*, 12 out of 17, from 1852 to 1864, with 5 executions). Governor Andrew, of Massachusetts, in his address to the two branches of the State Legislature, January 5, 1861, strongly pronounced himself in favour of the abolition of capital punishment.

So far as New York State has substituted secondary for capital punishment, there does not appear to have been inconvenience experienced. In a letter addressed to the writer by the Governor of the State Prison at Sing Sing, dated September 24, 1864, he reports —"With regard to the effect of life-long sentences, I can positively

assert that they are carried out, in this prison at least, with good effect, for we have now 23 convicts under sentence for life, and I see no difference between those for life and those for 5 or 10 years; their health and reason being equally good. In fact, such few cases as we have where reason is affected are usually with convicts of a comparatively short term. The silent system is yet carried out in this State, and I consider it necessary for the preservation of discipline, and not injurious to the convict. We do not adopt the solitary system, as the various branches of manufacturing carried on in our prisons will not admit of it, neither do I consider it necessary for the good government of convicts."

Capital punishment, although never absolutely abolished in Maine, has yet been almost totally discontinued there for 30 years, only one execution having occurred from 1837 to 1864. The general sentiment of the people of Maine during this interval appears to have been one of satisfaction with this discontinuance, and the security of life quite as great as formerly. But in 1864 Governor Cony, an advocate of the death-penalty, wished to extend its infliction; but the Legislature of Maine, after due inquiry, refused to sanction his proposal. Nevertheless, he has officially stated, but without adducing statistical proof, that murders have increased in consequence of the disuse of capital punishment. After reading this assertion the writer applied for further information to Professor Upham, a well-known American author of Brunswick, Maine, who, in a letter dated March 14, 1865, replied that—

"In January, 1864, the Governor of the State, who still sustains the office, and is an able, patriotic, and very popular man, recommended to the Legislature to alter the law on capital punishment, with a view to the restoration of the former methods. The Legislature respectfully and promptly appointed a large committee to inquire into the subject. Opportunity was given to persons from all parts of the State to present before the committee such facts and arguments as might have a bearing upon it. I availed myself of this opportunity, in connection with many others. The result was that the Legislature decided to make no alteration in the existing law; and the law still remains. This result could not, I think, have been reached if there had clearly been any great increase of the higher crimes, and if that increase had, in their view, been justly attributable to the law which was thus brought under advisement."

The Governor of this State, Hon. James Y. Smith, in a letter to Mr. Bright, M.P., dated Providence, March 21, 1864, reports that capital punishment was totally abolished in Rhode Island in 1852. He does not think that its abolition has had any effect upon the security of life, but is of opinion that convictions and punishments are more certain than before the change was made. Life imprisonment with hard labour is the substitute adopted.

The Governor of Wisconsin, Hon. James T. Lewis, states in a letter to Mr. Bright, M.P., dated Madison March 29, 1864, that

capital punishment was totally abolished there in 1853, and adds—"The fact that no Legislature has since re-established it, and that after a trial of eleven years the people find themselves equally secure and justice more certain than before the death-penalty was abolished, leaves little doubt of the wisdom of its repeal. The population of the State in the year 1850 was 305,391; in the year 1860 the population was 775,629. With this large increase of population we might naturally expect a large increase of criminal cases, but this does not appear to have been the case."*

Deliberate premeditated murder is the only crime punished capitally in this State. In a letter addressed to the writer by order of Governor Curtin, of Pennsylvania, dated Philadelphia, November 17, 1864, it is reported that there is an increasing reluctance of citizens to serve as jurors in capital cases, and it is added, "It is very difficult to obtain a jury in capital cases."

The extensive substitution of secondary for capital punishment for murderers and other criminals in Pennsylvania, is described as a success. The prison system of that State has obtained a world-wide reputation. It is conducted on the separate system, which is, however, neither separate nor silent so far as regards the prisoners having intercourse with suitable visitors, and with the prison officials. But he is entirely separated from other criminals, and occupies a distinct cell and yard.

The letter just mentioned reports—"The treatment of each convict must be individualised to his *sui-generis* character as best developed and best treated by his individual position—isolated separate position—in a penitentiary. This is the spirit of our system. This gives it its real success. This is the merit of its administration. . . . We have had convicts for 12 and 16 years, and their health and morals have been far better on their discharge than on their conviction. . . . The prerogative of pardon is used with wisdom and discrimination, and the public have not yet suffered injury from its use thus far."

It is further added, respecting the Pennsylvanian "separate system," "After 30 years in full experiment, we find it to be a success beyond all the anticipations of its founders. It lessens crimes, reforms the convict, and improves the individual."

The above and similar testimonies have been here quoted as affording suggestive answers to the inquiry which often arises, "In case of the abolition of capital punishment, what is to be the substitute?" It is shown that various countries have, practically and for long periods, found safe and efficient substitutes. It is further to be remembered, that even in Great Britain far more capital offenders have their sentences commuted than executed. And a substitute is found for these either in life-long penal servitude, or, in the abso-

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* At the end of 1854 the number of murderers of the first degree confined was 6. At the end of 1857 there were only 8 more, or 14 altogether.

lutely permanent detention of Broadmoor Criminal Lunatic Asylum. Nor does it appear that the public practically suffer in consequence, either by an escape of the murderers confined, or by repetitions of the crime on the part of those whose sentences have been thus commuted to permanent confinement.

The writer had prepared, in addition to the foregoing abstracts of foreign experience of the abolition of capital punishment, a similar brief review of the results of the very extensive ameliorations which, during the past 35 years, have taken place in the penal code of our own country. But its insertion here would extend the present paper far beyond the permitted limits. It may be sufficient to observe that the recent penal experiences of Great Britain indicate that the removal of all crimes, except murder and treason from the capital category, has been attended with a marked increase in the certainty of conviction and punishment, and with many other important collateral advantages without a consequent counterbalancing increase in the number of crimes committed.

Having thus briefly glanced at the results of the total or partial abolition of capital punishment in many countries, it appears that they furnish remarkable and repeated proofs that not only in States of small population, but also in the greatest nations of the world, the death-penalty has been dispensed with, more or less, without decreasing the security of life or property, and in many instances with a marked beneficial result in a contrary direction. And, independently of this advantage, the total abolition, when effected, has removed a series of evils and grave inconveniences which are, practically, found to be inseparable from the infliction of death-penalties, namely, a peculiar and excessive accompaniment of difficulty in effecting conviction and punishment on capital charges, resulting sometimes in the absolute acquittal of the most atrocious offenders;—The inevitable occurrence of very urgent but most undesirable importunities on the part of individuals and associations who are often reluctantly necessitated to embarrass the executive to depart from the usual course of the law by commuting the fatal sentence;—The constant raising of pleas of insanity on murder-trials, rightly or wrongly, according to circumstances, but equally bewildering and obstructive whether well-founded or not;—The excitement of excessive notoriety for the worst of criminals often resulting in a morbid sympathy for the murderer rather than for his victim, and being peculiarly apt to produce immediate repetitions and multiplications of similar horrible crimes; —The occasion, at times, of a mischievous wide-spread impression of administrative partiality or inequitable distinction in the grant of commutations;—The rare, but not inconsiderable danger, of sometimes executing an innocent person by mistake, and of thus inflicting an irreparable injury of the highest kind;—The hurrying of criminals to death without due opportunities for repentance and reformation;—And certainly in very many cases the deprivation of life without a just consideration and regard for the degrading miseries, the orphanage, neglect, poverty, ignorance and hereditary incapacity which

constitute, in part, or altogether, the inevitable antecedents of most criminals, and which, though affording no reason for impunity or for pardon, yet most strongly forbid the infliction of a penalty irrevocable in its nature, and severe in the most awful and unmitigated degree.

REPRESSION OF CRIME.

On Recent Improvements in our System for the Punishment and Reformation of Adult Criminals. By the Rev. W. L. Clay.

SIR WALTER CROFTON'S address to this section, last year, was filled with predictions of various reforms in our penal system, then, as he hoped, impending. The present paper is a record of the partial fulfilment of his predictions.

The controversy on the "convict question," which reached its height at our meeting in London three years ago, is now almost extinct. There is a vast amount of work still to be done to render our system perfect; but as regards the principle on which the work is to be done, we have reached approximate unanimity. Within the last two years the control of our English convicts has passed into fresh hands; and the new directors, coming to their work without any painful necessity for recanting past errors, have frankly accepted the reformatory doctrines for which our Association has so strenuously contended.

In July of last year, as soon as the passing of the new Penal Servitude Act gave them full freedom of action, the directors began their reforms in the prisons for male convicts. By a vigorous turn of the screw, the old lax discipline was tightened throughout; the luxurious diet tables were tolled to the amount of a seventh, the gratuities cut down to a fourth of what they had been, and various other reforms—singly, perhaps, insignificant, but important in their aggregate—promptly effected. The great amendment, however, was the introduction of a real mark system. We used to be told that such a system was in use before, identical with that employed in Ireland; and certainly there was externally some resemblance between the two. But beneath the outward similarity there lurked an essential difference, like that between the watch you wear yourself, and the watch you buy for twopence for nursery purposes—the one would go and the other would not. The system which the new directors, however, have introduced, will work. The convict's period in prison is divided into various stages. He begins in the probation class, passing the first nine months in separate confinement; he is then transferred to a public works prison, where

he finds that he has a certain number of marks to earn before he can recover his freedom. At the rate of six a day, he will just earn his allotted number by the time his sentence expires, and for "a fair but moderate day's work" his wages will not exceed six marks; if, however, he chooses to exert himself rather more, he may gain seven marks, and obtain his liberty so much the sooner; while "for steady hard work and the full performance of his allotted task," he may win eight marks a day, and thus secure the remission of full one-fourth of his term of servitude on public works. As a further incentive to exertion, the convict's rise from class to class is also made dependent on the marks. By daily industry of eight marks' value he can rise from the probation class to the third in three months, from the third to the second in a year, and from the second to the first in another year, each promotion bringing a slight increase of gratuities and other privileges. The classes are kept wholly distinct, and this alone is an important improvement. Under the old *régime*, the convicts were all massed together, to the great detriment of discipline; the consciousness of strength which their great numbers—often 1,000 or 1,200—gave them, was one chief cause of the disgraceful outbreaks formerly so common. When he has reached the first, the convict has still the hope before him of reaching a "special" class; and we will trust that before long he will have the yet further prospect of transference to an intermediate prison.

This scheme is obviously sound in its main elements, and there is abundant shrewdness also in its lesser ingredients. The rule, for instance, that men alleged to be only fit for light labour, or else invalided in the hospital, shall be credited with only six marks a day, proves a sharp check on the "malingering" formerly so common. Still the whole system is a snare and a delusion unless the work prescribed is really exacted. The old plan of trusting implicitly to the reports of the superintending warders was palpably futile; but an ingenious device has now been adopted for checking their reports and getting at the truth. This device has been described elsewhere, and as it is a mere piece of executive machinery, not involving any principle, I need not repeat the description. By the courtesy of the directors, I was allowed, some months since, to examine minutely the working of the improved system, and I was convinced that it was thoroughly efficient. As a proof of the wholesome parsimony with which the marks are dealt out, I may mention that on the day I inspected the returns, barely one convict in eight was credited with the full number. Only a fortnight ago a convict at Broadmoor told me that "it was pretty sharp work getting them marks."

To all appearance, therefore, the English Convict System has been radically reformed. There is, however, only one infallible test of a penal system—the number of relapses; and as yet, of course, this test cannot be applied. When a thorough police supervision over the liberates is established—and the directors report

themselves so far satisfied with what has been done in this matter—the future career of the great majority ought to be known with perfect certitude. The late directors used to make returns of discharged convicts whom, in their total ignorance of what had happened to them, they charitably reckoned as reformed. I hope that in a year or two their successors will be in a position to give in returns of the convicts whom they know for certain have not relapsed. These returns will be the real test of the system. Eventually, when our penal machinery is complete, the public ought not to be satisfied, unless full three-fourths of the liberates are cured of their felonious propensities. Meanwhile, we have provisional *criteria* of success in the decrease of sentences to penal servitude, and the improved behaviour of the convicts under detention. To the former I attach less importance. Crime ebbs and flows in a very curious manner, and as yet we are quite in the dark concerning the laws which regulate its fluctuations. At present there is a considerable fall in serious crime, though petty lawlessness is apparently on the increase. It must be remembered, also, that recent legislation has tended to empty the convict prisons and fill the gaols. Still, when we see a decrease of no less than 1,153 indictable offences in 1864, as compared with 1863, and hear that the statistics of 1865 are likely to be still pleasanter; when, recollecting that the convict prisons have been more than once glutted during the last ten years, we learn from Colonel Henderson that a fortnight ago he had 1,136 vacant cells, it is only fair to conclude that the increased stringency of our convict discipline is already exercising a widely deterrent influence on our felonious fellow-creatures. I believe, however, that the behaviour of the convicts in prison is a still better symptom. I can testify myself that the demeanour of the men at Chatham is very different from what it was four years ago. The innovations at first produced murmuring, irritation, and, at Portland, where the indulgence and over-feeding had been the worst, open rebellion. "The unfavourable manifestations," writes the Governor of Portland, in his report, dated February 11, 1865, "are daily growing less, and the prisoners are beginning to exhibit improved industry and a more cheerful obedience to prison rule and discipline."

But the reforms in the system cannot be regarded as final till two great farther improvements have been accomplished. The men when they leave the cellular prisons are often stupid and dull; and we still hear of suicide and suicidal attempts at Pentonville and Millbank. Possibly, nay, probably, these may be accounted for; nevertheless, the discipline at both is not unlikely to develop tendencies to idiotcy or insanity. The recent tightening of the discipline, much as it was called for, has, I fancy, in this respect made matters worse. Not that the discipline is one whit too strict or penal; to begin with, at any rate, I should like to see it sharper still; but it is too dreary and monotonous. The more I see of the separate system, the more I am convinced that it needs some such corrective as is supplied by the use of "marks" to dissipate its torpor, and

give a stimulus to the wits and energies. And to render this stimulus as pungent as possible, the prisoner should be set to climb a scale of discipline, bitterly penal at the bottom, though tolerable, by comparison, at the top. But at Pentonville the discipline is of a dead level of uniform monotony throughout, except in the case of the few convicts who are of necessity taken from their cells to assist in the service of the prison. There is no incentive whatever to obedience and industry, except the threat of punishment. There are no marks, no hope of remission; the nine months of solitude must be endured to the last day. Sir George Grey, with a gallantry that does him infinite credit, allows the women to redeem a third of their sentences, while the men are restricted to a fourth. But it is rather hard on the men—whose sex, after all, is no fault of their own—to have nearly ten weeks snipped off that fourth by the refusal of remission in the separation stage. There was, I believe, an awkward obstacle, till recently, to all improvements at Pentonville and Millbank. Fortunately, however, that obstacle is now removed, and we will hope that a thorough recast of the cellular discipline may be the consequence.

The other desideratum to which I referred is the establishment of intermediate prisons. I allow that the new "special" classes are, in some measure, a substitute; but the men in these classes, while still in contact with other convicts, are exposed to temptations from which they ought to be free: nor is it possible in such circumstances to trust the men under ordeal with the amount of freedom necessary fairly to test their reformation. Moreover, one great purpose of the intermediate prison is wholly lost sight of. That there are certain special classes, which no one ever sees, at Chatham and Portland, where the better convicts are allowed considerable liberty without their abusing their privilege, is not a fact likely to strike and impress the public mind. But when it is known that the convict system has been rendered so genuine that the directors venture to send out parties of 50 and 100 men, farming or road-making, to give them *la clef des champs*, trusting for their safe custody, not to numerous and vigilant warders, but to their own sense and self-interest—this is a fact that is certain to rouse interest, to generate confidence, and to facilitate immensely the admission of the liberates into the labour market. I am confident, however, that the system will not long be left incomplete for want of intermediate prisons, for one is already at work, and with thorough success. Under a strong stress of criticism, Sir J. Jebb, in March, 1862, sent, by way of experiment, a party of 100 selected convicts to Broadmoor in Berkshire; their employment was to make roads, lay out recreation grounds, and reclaim land for the benefit of the Criminal Lunatic Asylum, which had then been just built on the rough heath. A lodging was found for them in an out-building of the asylum. I visited the establishment a fortnight ago, and found that it only needed a reduction of the lavish creature-comforts, and some further provision for mental recreation, to render it an intermediate prison of the best type. Though the men are in

the freest association day and night, foul language is never overheard, the work done is palpably very considerable; the officers assured me that everything worked most smoothly, that misconduct was almost unknown, that only three men had incurred a remand to the Public Works, and that only one attempt had been made to escape, though that unluckily was successful. I may mention one specimen in proof of the way in which the men could be, and were, trusted. Incendiary fires have of late been very common in the neighbourhood, and the heath is disfigured with ugly patches of burnt heather and charred fir-trees. I was told in the simplest way, as though it were nothing to wonder at, that parties of convicts had been sent off to put out some of these fires. I mixed and conversed with the convicts, and from their manner and remarks, I was persuaded that the description given by the officials was not too flattering. It is incredible that so successful an experiment can be suffered to remain merely an experiment.

I have spoken hitherto of the male convicts only; concerning the women there is less to report. It is well known that women are far worse to manage, and resist what is for their good far more vehemently than men. Possibly this was the reason why the new directors "tried their prentice hand" on man before they meddled with the female prisons. But the reform once begun, has begun in earnest; a new code of regulations is on the point of being issued, which sweeps away in one summary abolition all the old rules, and substitutes the mark system in their stead. If this scheme is thoroughly carried out, and the rations docked about 20 per cent., the discipline of Brixton Prison, which for years has been most unsatisfactory, will at last, I hope, be transformed. The Fulham Refuge, where the plenty-to-eat plan was in the fullest operation (a wicked punster of my acquaintance used to call it the *Fill'em* Refuge) will not improbably be abandoned.

Meanwhile one item absolutely necessary to the success of the amended system has been already provided; I mean the refuge—in no sense a prison—where the women worthy of such a chance are prepared, on the same general plan as that adopted for the men in their intermediate stage, for their restoration to society. Government can create a prison, but not a refuge, for women; that is a more delicate piece of work, which needs earnest private benevolence for its accomplishment. Thanks to the indefatigable energy of Sir Walter Crofton, such a refuge has already been formed in Queen's Square, Bloomsbury. A forest of difficulties had to be cut through, I can assure you, before the thing was done, and an odious amount of drudgery in the way of money-begging to be undergone. And by the way, as all the money needed is not raised even yet, allow me to do a stroke of business on the spot by informing the section that the smallest contribution will be thankfully received.

But let us take a glance now at the state of affairs with regard to gaols. In June last, just before Parliament died, the Prisons' Bill which had been smothered the year before, was rescued from "the

massacre of the innocents," and passed. Our thanks for its safe delivery are mainly due, I believe, to the Great Cham of prison discipline, Sir Walter Crofton. The importance of the new Act lies in what it permits rather in what it compels our prison authorities to do. Not but what there is some wholesome compulsion in it, too, concerning certain items, as to which all controversy is now at an end. Parsimonious justices, for instance, must now find separate cells, and indulgent justices hard labour, for all their prisoners; and the Home Secretary is armed with power to enforce obedience on these and other points. But as regards the introduction of new principles in gaol management, the Act is not imperative. The prevalent type of prison discipline at present is the separate system. The prisoner spends his whole term in a separate cell; except in chapel, at school, and at exercise, he is alone: from first to last the uniform monotony of the discipline remains unchanged; labour is an alleviation of, rather than ingredient in the punishment, and in many prisons it is very light. The reformatory qualities of this system are chiefly negative; it prevents contamination, it promotes reflection, (though the reflections are as likely to be pernicious as salutary,) and the solitude by its effects on the brain and nerves renders the prisoners highly impressible. The merit of the system lies in the opportunity which it gives to the chaplain, and where the chaplain has been the right man for the work the happiest results have followed. Still this method is too artificial, not to say too morbid. I have been with earnest chaplains on their prison rounds, and, as I marked the effects of their ministrations on the faces and demeanour of their patients, I felt as if I were in a spiritual hothouse. The new Act does not compel any great amendment of this system, for the only provision directly bearing on the matter is this, that for the first three months, at least, the prisoner shall be kept to hard labour, the severity of which may afterwards be, in some measure, mitigated at the discretion of the justices. It is obvious that this rule may be literally obeyed, and the discipline in consequence rather worsened than bettered. But the gist of the Act, it is well known, lies in the opportunity it presents to all prison authorities to adopt the Winchester system, which Sir W. Crofton described to the section last year—that is to say, a modification of the mark system, under which the prisoner, by his own strenuous exertions, may raise himself from a bitterly penal condition, to a state of comparative ease.

The new Gaol Act then, permissive and not compulsory, is plainly not final. It would have been premature to impose the Winchester system, until it had been tested by further experience. But a few years hence, when its value has been more fully demonstrated, we may look for a bolder measure; and when that measure comes, let us hope that it will give the gaol-bird what the convict already has, the right of redeeming some portion of his forfeited liberty by the sweat of his brow. Without that right—for the hope of earlier freedom is an inducement beside which all others are insignificant—

the mark system is crippled. The Winchester discipline is very admirable, but why should it be worked by horse-power when we might have steam-power?

There is one clause, the 33rd, in the new Act, which contains an important suggestion. "Where two or more prisons are within the jurisdiction of the same prison authority, that authority may carry into effect the requisitions of this Act with respect to the separation of prisoners, or the enforcement of hard labour, by appropriating particular prisons to particular classes of prisoners." In the next Gaol Act I hope to see this somewhat faint suggestion developed into a code of definite instructions. To extract the maximum of penal and reformatory power from our gaols they must be modelled on the same plan as the convict prisons. We can never fully develope our plans within the walls and narrow confines of a common gaol. For prisoners under long sentences, we want, during the later portions of their imprisonment, establishments which shall serve the same purpose for them as Chatham and Broadmoor do for English, Spike Island and Lusk for Irish convicts. Mr. Baker is about to lay before you a scheme for such supplementary institutions. Whether we shall agree in all his details remains to be seen, but I think his main principles are incontestible.

I must beg you to notice that all recent reforms and proposed amendments in gaol discipline tend to assimilate that discipline more and more to what has hitherto been called the Irish, but I hope is soon to be called the British Convict System. And this is what we require—one uniform penal system for all sorts and conditions of habitual offenders.

But when we have got this system we shall still have the farther problem to solve, how to sweep to the utmost certainty within its grasp the criminal classes. Allow me to state very briefly, in conclusion, what seem to me the chief *desiderata* towards the solution.

I.—The first necessity is a classification of offences; a classification of the simplest kind, for it will consist merely in placing them all under one or other of the two heads—*casual* crime and *habitual* crime. Suppose, for the sake of convenience, we use the old words "misdemeanour" for the former, and "felony" for the latter. In the annual criminal statistics all offences committed within the year are arranged under certain titles about 90 in number. Glancing down the catalogue, the merest tyro can distinguish between misdemeanours and felonies. Speaking roughly, offences against the person and malicious offences against property are misdemeanours, and all other offences against property felonies. The judicial officers should be allowed the fullest discretion as to the length of the sentences passed on misdemeanants and incipient felons; but for second and subsequent felonies the law, and not the judge, should prescribe the sentence; and prescribe it on the simple principle that every fresh sentence for felony shall be longer than the last by a certain fixed amount at least. The judge should have power to increase, but not to lessen this *minimum*.

II.—I am one of a small body of enthusiasts who believe that with a scale of "cumulative" sentences for felonies rigidly enforced, backed by a sound penal system, professional crime might be extirpated within this century. There have been so many changes of late in our penal laws, and these changes produce such a pernicious uncertainty and confusion, that I am loath to plead for another. Still some change is requisite, for at present there is a most awkward gap in our scale of secondary punishment. The highest legal term of imprisonment is two years, the lowest of penal servitude, five. By the last Penal Servitude Act sentences for three and four years were abolished, partly because the judges in their tenderness dealt far too freely in these light sentences, and partly because under the old *régime* three or four years penal servitude was not a harder punishment than 18 months' or two years' imprisonment. A scale of "cumulative" sentences would do away with the first objection, while the increased stringency of the convict system has already done away with the second. I may mention, by the way, that judicial tenderness, refusing to be baulked by a ruthless Parliament, finds a vent now in sentencing to short terms of imprisonment many of the poor felons who, before the change in the law, would have incurred penal servitude.

There is only one obstacle to the adoption of the innovations I advocate, namely, the difficulty of ascertaining what, if any, was the last sentence for felony incurred by the re-convicted offender whose fresh sentence is under consideration. But with a police force yearly increasing in efficiency, with criminal registers properly kept, and with appliances such as photography at our command, this difficulty should soon be overcome. Meanwhile, I see no hardship in calling upon every convicted felon, whose antecedents cannot be ascertained, to prove that he has hitherto been free from felonious taint. If he cannot or will not, give society the benefit of the doubt, and sentence him as an old offender.

Does the present Administration of the Poor Law create any obstacles to the Reform of Criminals and the Repression of Crime? And if so, how could such obstacles be removed? By Frederick Hill.

At the threshold of the inquiry which we are called upon this morning to make—namely, whether the present administration of the poor law creates any obstacles to the reform of criminals and the repression of crime; and, if so, how can such obstacles be removed?—is the question, which among the chief causes of crime are affected by the working of the poor law? Directly or indirectly, I should hold that all the main causes of crime are more or less

so affected; but I think it will be generally admitted that, as regards two potent causes, the administration of this law has a marked and undoubted operation. I allude to those great parents of crime—bad training and severe want. In illustration of the former, it seems sufficient to refer to the well-known facts—facts of which experience in my former office of an inspector of prisons gave me daily abundant proof—that the criminal class, as a body, have been greatly neglected in youth; that comparatively few have had their minds and hearts at all cultivated; have been brought up in habits of industry, or been taught the means of earning an honest livelihood—a state of things the less to be wondered at, when it is borne in mind how many of them, at an early period of life, had lost one or other of their parents, and how many are illegitimate, or are the children of confirmed paupers, drunkards, or criminals. And how very much the after career of the children of such as become inmates of a workhouse depends on their wise, thoughtful, and kind treatment there, or their neglect and bad usage, is shown by the striking contrast in the result of the two courses—an honest and respectable life being the general issue in one instance, and, in the other, an addiction to crime or pauperism.

Some years ago, I had an opportunity of making full and minute inquiries into the after-life of the children brought up in the large workhouse of Birmingham—or rather in a separate school, or asylum, as it was then, and is probably still called, in connection with the workhouse; and the examination showed an almost marvellous result, from the good and judicious treatment which the children received, and from the habits of industry in which they were trained.

At that time the Asylum usually contained about 300 children; and, although some cases probably occurred of which there was no information, not a single instance was known of a child brought up there becoming afterwards a pauper.

I must remark, however, that an admirable arrangement existed, and I trust continues, with respect to the children of the Birmingham Asylum, which, so far as I am aware, is not to be found elsewhere, but to which no inconsiderable part of the foregoing most gratifying result is probably attributable. I allude to a regulation, under which every child, during the whole time of its apprenticeship after leaving the asylum, was visited once a year by an officer of the workhouse, who inquired on the spot into the child's conduct, and, when necessary, into the conduct also of the person to whom he had been bound apprentice; and who took, forthwith, any measure which the case might require.

Highly satisfactory results, though I do not know whether they equalled those I have mentioned, followed the excellent training in the pauper school, so long conducted by that able and benevolent man, the late Mr. Aubin, formerly at Norwood, and afterwards at Hanwell; and I have no doubt there are many other instances of which I have no specific knowledge.

If such results as these be compared with the subsequent history of

children brought up in a bad and ill-organised workhouse, on leaving which they are hawked about with as much difficulty in putting into circulation, almost, as if they were so many bad coins, the contrast is most striking, and shows in a strong light how much not only the recipients of the good education are indebted to the real "guardians," under whom they have been placed, but how much the district, as indeed the whole country, owes them; and on the other hand, how great the injury done by the unfaithful stewards who neglect and mismanage the trust of the poor children, with which they, in turn, are charged.

That severe want is a powerful incentive to crime, few will probably be prepared to deny; but any who have doubts on the subject may be reminded of the frequent bread-riots which used to break out; of rick-burnings; of the sudden and lamentable increase of female prostitution after one of the strikes at Preston; of the murder of the Rev. Mr. Hollest by a man who, from the press of applicants, had been refused admission to the refuge at Westminster; of the terrible case, in the records of capital punishment, of Mary Jones, who, to procure food for her children, when her husband had been seized by a press-gang, committed a small theft for which she was afterwards hanged; and of the well-known fact that robberies are most frequent in that part of the year when work is most difficult to procure—the winter. Reference also may be made to the saying of the first Napoleon, a saying indicative of his keen observation, that there was no insurrection which did not originate in the belly.

Relief in all the cases described, our poor law, if properly administered, would afford; though I need scarcely add that in yielding that relief, the responsibility of living parents, in the instance of the young, should always be maintained, and, when necessary, enforced by fine and imprisonment.

The English poor law, the noble Statute of Elizabeth, the Magna Charta of the indigent, and yet so planned, by the sagacity of its framers, as to be truly beneficial to the country at large, that Act which for nearly three centuries has formed one of the brightest pages in a code of which, till of late years, at least, contained much that was dark and repulsive, lays down the principle, that with a due exaction of work, every person in the country, man, woman, and child, who is in want, shall be supplied with food and shelter. But is any one bold enough to declare that this admirable law is rightfully administered; so administered as fairly and honestly to attain its end? Can any one, when asked for alms to buy food, or for a pittance wherewith to obtain a night's lodging, or for work by a liberated prisoner, or other fellow-being out of employment, on the plea that the applicant is unable to obtain either food, shelter, or labour, truthfully reply, "You must needs be an impostor, for you know right well that you have only to knock at the door of the workhouse, and what you want you will get!"

I venture to assert that the experience of every one present will compel him to reply in the negative, and will recall to his mind in-

stance after instance in which he has been placed in the painful position of having to choose between the risk of refusing relief to the really necessitous (with a danger of thereby driving him into crime), and of encouraging imposture and idleness.

The insufficient and miserable provision for the casual poor, in many places, especially till the last legislative interference* in London, is but too well known, and becomes, as we are all aware, the ground of constant appeals to private benevolence; the refusals of parochial relief leading, in some instances, to actual death by starvation. Not farther back than last spring, public indignation was aroused by the facts brought to light in the investigation into the circumstances of the death of the pauper Richard Gibson, in the St. Giles' and Bloomsbury Union Workhouse; all which facts might have remained in oblivion had it not been for the energy and moral courage of another pauper, James McGee, who spent his only twopence in procuring the means of communicating with the stipendiary magistrate, Sir Thomas Henry. And it will be recollected, that the inquiry showed such disgraceful neglect on the part of all concerned in the management of this workhouse, that the only person who really seemed worthy of the the title of "guardian of the poor," was this very pauper, McGee. As regards those who bore that title, they must be strangely constituted if they can think without regret and shame of the amount of misery which a little vigilance on their part, and some care to appoint good officers, would have prevented.

Since then, instances of culpable mismanagement have come to light in another large workhouse; and I confess that, under present circumstances, I do not see any hope of such occurrences coming to an end.

Another fact, showing how difficult it often is to obtain admission into our workhouses, uninviting as many of them are, is that, from time to time, offences are committed for the express purpose of gaining the shelter of a prison; from which, at least, no one can be excluded.

But it may be said that the complete working out of the principle of the English poor law, and the free admission into the workhouses of all who are willing, to the extent of their powers, to work, would entail much additional expense on the country. Without admitting for a moment that even if that were so the law ought not to be fully acted on, I venture to express a belief that no such result would ensue, but that, on the contrary, in the true and wide sense of the term, the measure would be one of sound economy.

No being is so expensive to the state as a criminal at large; and

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* The inquiry a few days ago, and since this paper was written, into the treatment of the houseless poor in Bermondsey, shows that even this interference has not been sufficient, and that not fewer than 142 applicants for admission to the Bermondsey Workhouse had lately been refused in a single week, on the plea that the casual ward was full. Surely some effective power should quickly be obtained and applied to make obstinate guardians do their duty and obey the law.

every measure, therefore, which diminishes the motives to crime, effects an important saving.

Again, we must remember the money now expended—much of it mischievously so—in alms to beggars, and in supporting night asylums, soup kitchens, and other various contrivances for providing imperfect substitutes for good workhouses—substitutes which are almost necessarily wanting in safeguards, such as a labour test, to prevent imposture.

If throughout the country the workhouses were put into a good state, with small receiving-houses established in connection with them, so that a refuge should be everywhere within easy walking distance, not only would all motive, and even excuse, for indiscriminate alms-giving be done away with, but a large number of the present charitable institutions, which cause so heavy a tax on the benevolent part of the community, might, with positive advantage, be closed.

But, what would be yet more welcome to the benevolent portion of society than relief from a pecuniary burden, and what would be hailed with satisfaction by every person of good feeling, even though able to contribute but little in the shape of charity, would be a conviction, which even the most munificent cannot now indulge in, that while enjoying the comforts of life themselves, every person in the whole land had at least a bed to lie on and a crust of bread to eat.

The old Malthusian doctrine, that want and misery among the lowest classes of the community are inevitable, and a necessary check against the still greater want and misery which would arise from too rapid an increase of the population, having of late years been practically abandoned as erroneous, I will not take the time of the Section in its consideration, but will content myself with referring to the existence, almost at our very door, of a community which presents a constant and practical refutation of Mr. Malthus's views. I allude to the inhabitants of the little island of Guernsey, where, with a poor law most generously administered, extreme poverty is almost unknown;* and where I was once assured by a tradesman of 30 years' standing, that during the whole of that time he had never once been asked for alms.

But, if the bright picture at which I have glanced be not a mere phantom of the imagination, but capable of realisation, and that without any sacrifice, what are the obstacles to its attainment, and why do we not immediately secure its possession? The answer to this question is, in my opinion, to be found in the bad system of appointing those chiefly employed in the administration of our poor law, namely, the boards of guardians; in the narrow view which these officers often take of their own interests and those of their constituents; and in the division of the area of assessment into small districts.

That which, with many honourable exceptions, seems now to be

* Such at least was the case when I visited the island some years ago, and I have no reason to suppose there has been any change.

frequently regarded as the great object to be kept in sight, is not the full and faithful working out of the principles of the poor law, still less the adoption of measures, such as the careful training of the young, and the proper classification and kind but firm and judicious treatment of adult paupers, which lead the way to the gradual reduction of pauperism, but the immediate saving of the parish funds, and the bringing down, to the lowest possible farthing, of the next half-year's assessment. To this end, as we all know, persons are daily appointed to the responsible and difficult duties of governor and matron of a workhouse, at wages scarcely sufficient, if indeed sufficient, for the pay of a gamekeeper, and wholly inadequate to secure the services of persons competent to perform the task entrusted to them, and fit for the possession of the large discretionary powers essential to the proper government of a body of inmates, having among them every variety of age and character. And the same miserable parsimony may be seen in the appointment of the teachers of the young (not unfrequently themselves paupers), and in the selection of the medical attendant, and of that other officer who, did the subject admit of mirth, one might often suppose to be called from mere jocoseness the "relieving officer," a name to which frequently he has about as good a title, as those who appoint him have to that of "guardians of the poor."

To effecting wretched parings of salaries, to keeping down the amount of accommodation to the lowest point, and to rendering the ward for the casual poor, in particular, as cramped and repulsive as possible, and lastly, to thrusting every burden they can, from their own to some other parish, do many guardians evidently now give much of the time which ought to be devoted to far nobler employment.

Well may the *Lancet*—which, to its honour, lately appointed a commissioner to inquire into the medical condition of some of our workhouses—make the following declaration:—

"We heartily believe that no satisfactory administration of the union houses can be expected while they are left under the control of the very inferior and uneducated class of small tradesmen who constitute the majority of the present boards. They are inconceivably petty, ignorant, and unfit to govern institutions of so much magnitude. We should never have heard of so much mismanagement as our commission has brought to light, but from this cause."

A moment's consideration will, I think, show that at present far too much power, in the appointment of boards of guardians, is given to those who are least likely to have studied those branches of knowledge on which such a principle as that involved in the English Poor Law is based, or to have large views upon the subject. Some distinction, indeed, is made between those who contribute much, and those who pay but little, to the poor rate; but the distinction is, in my opinion, far too slender. Thus, a person who is assessed at only £5 a year, has as potent a voice at the election of guardians as one whose assessment is but a trifle less than £50; and, whatever be

the amount of assessment, no ratepayer, under ordinary circumstances, can claim more than six votes. But in place of this I would suggest that, while one vote be given to all persons rated at less than £10, an additional vote, as in the case of joint-stock companies, up, say, to twenty, be allowed for every additional £10 of assessment; and if the practical result of such an alteration should show that even on this scale the more enlightened ratepayers have not sufficient influence, I would advise that the power of voting be brought into still closer accordance with the amount of assessment.

As regards the areas of rating, the measure of last session by which unions are substituted for single parishes, is certainly a great step in the right direction; and I am inclined to think that, if an Act were passed permitting unions in turn to coalesce on terms to be mutually agreed upon, in a manner corresponding with the amalgamation of railways, as much would be done towards enlarging rating areas as is at present expedient; though I believe that, ultimately, it will be found safe and practicable to do away with all local distinctions, and to place the care of the poor in the hands of the state.

The following is a summary of the conclusions to which the facts and arguments in this paper, and the general circumstances of the case, in my opinion lead:

1. That, in reply to the first question which we are called on to consider, the present administration of the poor law does create serious obstacles to the reform of criminals and the repression of crime.

2. That the great principle of the English poor law which directs that, with a provision for exacting work, every inhabitant of the country, who is in want, shall receive food and shelter, is perfectly sound, and ought to be fully carried into effect.

3. That under the present administration this principle is often violated, and that much unnecessary misery is thereby caused to the poorer classes, and much insecurity to the more wealthy; while many of the latter are unduly taxed in their endeavours to make good, by special provisions, deficiencies which, under a good administration of the poor law, would not be called for.

4. That the inhabitants of a country which, like our own, ungrudgingly pays more than six millions a year in support of the poor, and which would be willing, if necessary, to pay still more, ought not, and under a good administration of the poor law and police would not, be harrassed by beggars, have their feelings outraged by authentic accounts of deaths from cold and hunger, or their lives and property endangered by the temptations to crime which exposure to great misery creates; but that under present circumstances all these evils exist, and that in such a degree, so far at least as relates to mendicancy, that beggars seem to abound as much in England as in several countries where there is a far less comprehensive poor law.

5. That a liberated prisoner, unable to procure work from ordinary employers, or relief from private charity, and to whom also the

workhouse is closed, has no alternative but starvation or a return to crime.

6. That it is notorious, at present, that owing to difficulty in gaining admission to workhouses, especially at night, persons are often subjected, particularly in winter, to the severest distress; and that under pressure of this distress, offences are from time to time committed with the express purpose of entering a prison.

7. That every person willing to work to the extent of his power, and ready to obey the other rules of a well-ordered workhouse, ought to be instantly admitted thereto, or into a receiving-house in connection therewith, at any hour of the day or night; and that it ought not to be in the power of any person whatsoever to refuse him such admission.

8. That, in case of insufficient accommodation, it ought to be imperative on the parochial authorities instantly to hire additional rooms, in the same way as it would be obligatory on the police, or on those entrusted with the control of prisons, to provide special temporary accommodation, in case the number of prisoners exceeded the space requisite for their detention.

9. That, as a means of ensuring the practical observance of this rule, the police ought to have power, in case of its neglect in any instance, to give shelter to the applicant; with a right, on their part, to sue the parochial authorities for repayment of the cost; and that, in addition, these authorities should, on conviction, be subject to a penalty.

10. That considering especially that, as a general rule, a large portion of the inmates of a workhouse are children, or aged and infirm, it is highly desirable that boards of guardians should not be confined to members of the male sex; and that much of the bad management of workhouses, now so common, is probably attributable to the want of female co-operation.

11. That the system under which guardians of the poor are elected ought to be modified, so that the number of votes in each case may have a closer relation than at present, to the amount of each person's contribution to the poor rates.

12. That it is desirable that the areas of rating for the poor should be gradually enlarged, so as to diminish the motive to drive paupers from parish to parish, and to lessen the danger to the working man of losing his settlement; and, at the same time, to increase the desire to adopt comprehensive measures for the reduction, and, if possible, the extinction of pauperism; and to put it out of the power of any part of the wealthy class, in command of the means of locomotion, so to locate themselves as to escape their fair share of parochial burdens.

13. That it is desirable that the principle which has been applied with such success in the case of juvenile offenders should be extended to paupers; and that whereas, to make good the want of well-conducted prisons, reformatories under voluntary management have come into existence, to which offenders may be committed, instead of their

oeing sent to a corrupting gaol, so also it is expedient that, in any district where there is no well-regulated workhouse, magistrates should be empowered to send a pauper to any good asylum established by private exertions, and, like reformatories, duly licensed by a Government officer; and to compel the parish, where proper workhouse relief ought to have been afforded, to pay the cost of the pauper's maintenance.

What means is it desirable to adopt to prevent the passing of sentences inadequate to the proper repression of Crime? By T. B. Ll. Baker.

When any system has obtained undisputed possession in a country for many years, it has acquired this prescriptive right: that if any one seek to alter it or to substitute a new one, the innovator is bound to show, not only a probability that the new will succeed and be superior to the old, but that such probability is very strong, and that the advantages to be gained are of sufficient importance to compensate for the trouble and risk of a change. If, however, it can be shown, first—That the effect, if successful, would be not only a saving of a quarter of a million annually to the Government, not only a great increase of safety to the property of the honest, but more important still—a lessening to our weaker brethren of that temptation from which it is our constant prayer to be delivered: secondly—that experiments essentially similar have been repeatedly made on a smaller scale with unvarying success: and thirdly—that the proposed alteration involves no new outlay of money and no change in the law, and that if it be tried and found to fail, the old system may be at once resumed without loss or difficulty—if, I say, these conditions can be proved, I maintain that the proposer of such a system may claim an attentive hearing and a careful consideration, whether he be one who has a special claim to the attention of the public, or whether he be, as in the present case, simply a small country squire.

The offences against the laws may be divided into three classes:

Firstly—Those which are the effect of sudden impulse, such as murders, violent assaults, &c.

Secondly—Those against property, which are usually habitual.

Thirdly—Misdemeanours, slight assaults, drunkenness, and the like.

The first of these classes I do not attempt to touch. The crimes are individually more serious, but are comparatively few in number. The second form the large proportion of our felonies, and to those I have directed my attention, and I have no doubt that they are capable of great reduction, not only in number, but still more in degree.

The third class I do not at present advert to, although I have no doubt that a nearly similar system would reduce these also as largely as the second class.

Our custom hitherto, in passing sentences on criminals, has been that the judge or magistrate should hear the evidence adduced, and should, to the best of his power, estimate from it the degree of moral guilt of the prisoner, and award a punishment as nearly as may be in exact proportion. If the value stolen be small—if it be taken from a stranger, and if there be nothing to show premeditation—the punishment is slight. If the value be large, or stolen from a master, or friend—or with the appearance of premeditation—the punishment is heavier. This is acting solely and literally on the principle of retaliation. I do not mean to imply a feeling or intention of revenge, but I mean simply what the word implies, the weighing back a quantum of punishment which, in the opinion of the judge, shall be equal or proportionate to the moral guilt of the offender. This is the system which has obtained so firm a hold on men's minds that it is thought almost an impiety to doubt it. Yet, if we consider the question, it will hardly stand the test of reason; still less that of practice. No one in the present day allows that we get either pleasure or profit from merely punishing a criminal. When at a deliberative meeting we discuss the principles of punishment—we profess that our object is solely the prevention of future crime—but when in court we discuss the sentence to be passed, we talk much of "natural justice"—(though no one can define exactly what that means, or what law, human or Divine, ordains it,) much of the criminal's deserts; much of the necessity of satisfying the respectable portion of the community by a sentence of proper severity; but very little of any calculation based upon a knowledge of the feelings of the lowest, and poorest, and weakest, which may show either how those weak ones may be best kept out of temptation—or how the honest man can be saved from having his goods stolen, and then being heavily taxed to punish the thief who has robbed him. Our profession, our theory, our real intention is Christian and philosophical, but our practice is neither one nor the other.

The most striking evil in our present system is its utter uncertainty. All allow that, if deterrence is our object, certainty of punishment is of far more avail than severity. Yet those who talk most of the value of certainty seem to forget or ignore this most palpable truism—namely, that if we are to prevent a crime we must prevent it before it is committed, and not after.

If certainty of punishment is to prevent it, that certainty must exist before the crime which it is to prevent. Yet we hear it strongly urged, that when a judge has passed a sentence, that sentence should be certainly carried out, as if that would prevent the crime which has preceded it—it is only the punishment of the past crime which we have even professed to make certain. No thief, while meditating a crime, can give the most remote guess what will be its consequence—only after the crime is committed, the thief caught, and the sen-

tence passed, we talk greatly about the punishment being certain; yet this gives no certainty to the punishment of any future crimes. If every judge—every magistrate, out of many thousands—is to sentence on his own theory of justice, without some definite principles laid down and acknowledged, there cannot fail to be such a difference in practice, as to prevent any possibility of a thief even guessing at the punishment which any future crime will receive. Do not imagine that I impute a want either of care or talent to our judges or magistrates. I believe that, as a body, they act as conscientiously, as carefully, and as uprightly as men can do. It is but the system, or rather want of system, which renders their action ineffectual.

But if the present system be, by its uncertainty, a negative evil, in that it robs punishment of its deterrent power, it inflicts a positive evil by shortening the sentences of old offenders, and returning them to society to employ their increased skill in robbing the honest, to instruct beginners in the art of theft, and to give positive proof of the utter inefficiency of our present system to really put down crime.

I say, without hesitation, that three-fourths of our clever thieves have been hardened and trained to crime by a long course of three months' imprisonments: that a repetition of three months' imprisonments is the direct cause of nearly all the habitual crime of the country: and that practically in every district where a repetition of three months' sentences has existed, crime is rife, and wherever cumulative and fixed sentences have obtained, crime has decreased. But not only does our reason tell us that sentences on our present system are likely to be varying and irregular, but, practically, we see they are so in the highest degree. Many of our most thoughtful and experienced chairmen of quarter sessions—many of our judges—make it an almost universal rule on a second conviction, to commit to penal servitude; others hold that a first conviction should be most heavily punished, in order to terrify beginners; others on a fifth or tenth conviction, award from six to twelve months' imprisonment—though with what object such sentences can be passed, I cannot imagine. Let me quote an account I have just received, of sentences at a recent quarter sessions, as they stand by their numbers in the calendar. No. 5, E. J., with five previous convictions (two of them penal servitude), nine months. No. 6, J. J., five convictions (twice in reformatory), nine months. No. 7, C. B., fourth conviction (once reformatory, once penal servitude), twelve months. No. 10, S. L., three times summary, three times for felony, once penal servitude, now nine months. No. 13, J. D., eleven times imprisoned, once six years' penal servitude, now twelve months' imprisonment. No. 17, W. J., once to a reformatory, once three months, once three years, now fifteen months. And so on throughout the calendar of above a hundred. Let it not be thought for a moment that I intend to impute blame, or carelessness, or incompetence, to the gentleman who passed these sentences; he probably considered attentively the

merits of each case, and passed such sentence as he believed to be an exact retaliation. But what effect can such sentences produce upon the only class whom we want to affect, namely, those men who are likely to commit future crimes, except it be that old and experienced thieves will be more likely to flock to a district where they find themselves leniently treated? *

But if our present system be bad, can we find one which is better? I think we may do so easily.

The system which I brought before you at our meeting of last year, and to which I again ask your attention, consists simply in making the punishment depend, not on the supposed degree of criminality, but on the number of repetitions, and on the sentences being very few in number, and passing from one to the other by such long steps as to leave no doubt or haziness as to what the punishment will be. I believe it also to be very essential that the same amount of punishment should rarely, if ever, be inflicted a second time on the same culprit, but that he may know that the punishment he will receive for his next crime is altogether new and much more to be dreaded than his last.

To effect this, I would propose that, as a general rule (not as a

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* Such cases might be quoted by the hundred. If we look to a list of boys convicted in London between 1850 and 1860, the first case I come upon is that of John Ackers, who was committed to Westminster, November, 1857, for stealing stockings, one month; April, 1858, copper, one month; June, 1858, pockets, two months; October, 1858, felony, three months; February, 1859, one shilling, three months: June, 1859, pockets, three months; January, 1860, comforters, fourteen days; March, 1860, misdemeanour, seven days; May, 1860, boots, three months; besides nine times in Holloway prison. This case happened to be the first that opened; but it was one of a list of 165 boys, all convicted eight times or more, and of 450 boys, convicted four times or more, at that time in London. It is true such do not now exist among boys, because the London magistrates have adopted the system of long sentence on a second conviction instead of one of exact retaliation, and London juvenile crime has diminished from 4,113 to 1,511 per annum in consequence.

Let us look again: John Williams, *alias* Nugent, *alias* Hinds, was sent to the borough gaol, Liverpool, March, 1849, as a suspected person, for fourteen days; May, 1849, reputed thief, three months; October, 1849, reputed thief, three months; January, 1850, reputed thief, three months; April, 1850, reputed thief, three months; October, 1850, felony, six months and whipped; June, 1851, reputed thief, two months; November, 1851, reputed thief, one month; February, 1852, felony, fourteen months, twice whipped; October, 1858, refusing to go to sea, six weeks; January, 1859, violent assault, (who can wonder?) two months; May, 1860, deserting navy, discharged; October, 1860, base coin, discharged; October, 1860, intent to commit a felony, three months; March, 1861, felony, three years' penal servitude; June, 1864, drunk, three days; August, 1864, felony, seven years' penal servitude.

This again is a single case taken out of a large number; and those who look through calendars will be aware such cases are by no means unfrequent. Can it be safely affirmed that such a system of dealing with crime is wise or right, or that the public is so strongly attached to this system that they would be greatly shocked at a change, especially if that change, wherever it had been tried, had been found to work well?

rule without exception, but one which may be adopted fairly in nineteen cases out of twenty), a culprit on a first conviction should receive an imprisonment of only a week or ten days, whichever period would give mere bread and water, according to the rules of the gaol to which he shall be sent. That for a second offence he shall receive twelve months' imprisonment; for a third, seven years' penal servitude; and for a fourth, penal servitude either for life, or for some such long term as shall enable him to be released on ticket-of-leave, but kept for the greater part of his life under surveillance.

The mode in which I should propose to work this system, would be simply to bring the matter before the magistrates of any quarter sessions. If the majority of those assembled desire to adopt it, it would not render it binding upon any who dissented. Nevertheless, I have little doubt that the opinion of the majority would have great weight, and that by far the larger number of magistrates throughout the country would give the system a fair trial; and that if it were found to answer, the dissentients would rapidly decrease.

If the principle were adopted in any county, I assume that it would be thus carried out. A policeman, on apprehending a prisoner, would enquire, if necessary, whether he was a stranger, or an inhabitant of some standing; if the latter, it would be readily ascertained whether he had been previously convicted or not. He would then take him before the petty sessions, where the evidence would be heard. If the case be proved, the prisoner will be informed that the rule is to commit for trial at quarter sessions; but that, if there be a fair presumption that he has not been previously convicted, the case will be taken under the Criminal Justice Act, and he will be committed for ten days. The policeman will then bring forward what he knows of his antecedents. If it appear to the magistrates that there has been no previous conviction, for, say, five years, they will commit him for ten days on bread and water, warning him at the same time that if he again be found stealing, his punishment will be for twelve months. If he be a stranger he will be asked whether he can give any account of his antecedents, which may entitle him to the lighter punishment. If he states that he has worked for the last two years in Birmingham for such and such masters, and lodging in such a house, and for three previous years in Manchester ditto ditto, the magistrates will probably remand him for a week, and desire the superintendant of police to write to the police at Birmingham and Manchester to inquire the truth of the statement; and if the reply be favourable, he may be discharged or committed for a few days longer; but if he again steal, though it be in another county, and again give the same reference, the Birmingham police will say that his account is true, but will state the conviction which had since occurred. If the man has been an habitual vagrant, and can give no reference, it will be wise to commit him to quarter sessions, partly in order to give time to enquire his antecedents, and partly to check, for as long as may be, his wandering habits.

At the quarter sessions, if a previous conviction be proved, he will receive twelve months' imprisonment; if not, he will receive as long an imprisonment as the law will allow for his crime. If two previous convictions, he will get seven years' penal servitude; and if three, a penal servitude which will detain him for many years, and retain him under surveillance for many more.

I believe that such a system would act fairly and properly in somewhere about nineteen cases out of twenty; but of course there would be exceptions, at the discretion of the magistrates. Some first convictions would be of so heinous a character as to require to be treated as second, third, fourth, or ordinary convictions; some second convictions would be for such slight offences as to be treated as first; but I believe that such exceptions would be rare.

The effect of such a system would be, first, that any man meditating a crime would know the penalty beforehand with startling distinctness. He would know perfectly whether he had been in prison or not, and how often, and this would tell him precisely the punishment to expect.

But, secondly, it would bring a far more important result, viz., that it must inevitably annihilate the class of old and hardened offenders, who at present are the dread of the honest, and the corrupters of the weak. I believe that even now, not one in fifty attains either eminence or skill as a thief before he has been three or four times convicted; although at present he can find gangs of skilful thieves to instruct and shelter him; but under the system which I propose even a thrice-convicted thief, on his return to liberty, would have been for seven years out of practice. If he again commence crime it must be as a bungler, and without the aid of a gang; and he would probably be soon caught and made safe for life.

Many objections are made to this system, and no human system can be free from imperfection. The principal objection in my own mind is to the existence of such a thing as twelve months' imprisonment in a gaol. I confess I believe that the fact of shutting a man up in a square cell, under any known system of prison discipline, in a state of the most absolute dependance and without hard labour (for real earnest hard labour is incompatible with anything we have known as prison discipline), especially when such detention is followed up by carelessly turning him out on the world when least fitted to cope with its trials, is a treatment at once unphilosophical and unpractical; but on the other hand, if adult reformatories should be given a fair trial, I believe that the sending a man on his second conviction to a goal where he shall be severely punished for from three to six months (or longer if his behaviour render it necessary,) and then removing him to a reformatory, where he may be kept to real hard earnest out-door work for the remainder of his sentence, especially if we should hereafter obtain the power to make the sentence two years, and to allow him by good conduct to obtain a ticket of leave, enabling him to work under surveillance for the latter half of his sentence, I believe

that we should have gained as reformatory, as deterrent, and as practical a system as could be well hoped for.*

Other objections are made, but I think will not bear close consideration. It is said that the ten days' sentences on first convictions will be too short to deter beginners: but those who have had opportunities of watching prisoners through their confinement know well that a man feels his first ten days far more acutely than the latter portion of his sentence. Like a wild bird in a cage he suffers severely at first, but after a time he becomes used to it, and will never again think of it with the same aversion.

Our principle is to make our gaols as deterrent as possible—our practice is to keep men shut up in them till they lose their dislike of them, and on coming out tell their friends that the gaol is unpleasant at first, but not nearly so bad when they are used to it.

But there would be another great advantage in a certainty of a ten days' imprisonment for a first offence. Many a farmer, many a tradesman finds a servant dishonest in a trifling degree. If he takes him before a magistrate he cannot guess what sentence will be passed. The man may be sent to prison for three months, and lose his place, which cannot be kept so long vacant for him; and his family, if he have one, be thrown on the parish. A kind-hearted master will shrink from this, and will allow peculations to continue till they become a confirmed habit; but if he knew that the sentence would be only for ten days, he would far more readily press a conviction and receive him back into his service with the thievish habit nipped in the bud.

But some object that a defined system would tie the hands of magistrates, deprive them of the free action which they now possess, and lower the dignity of the bench; and, oddly enough, some say, that if the system be adopted at all, it ought to be enacted by parliament. As to the dignity of the magistrate, I have little to say except that I believe that dignity consists solely in the power of doing as much good and preventing as much evil as possible, and that whatever system effects this must be the most dignified. But I should be sorry to see parliamentary legislation on the subject, because, though it has been suggested that "the legislature should make it directory, not imperative" yet such acts are rarely passed, and are much disliked. Now an imperative act ordaining that a servant who lets a gang of burglars into his master's house should receive only ten days' imprisonment because it was his first offence,

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* I have before said that I believe three months' imprisonments to be wholly bad, yet in this case I recommend them. If a man is to be turned loose on the world at the end of his sentence, he must be tolerably strong and fit for work. If so, he must be pretty well fed and comfortable at the end of his imprisonment, and in that case he will carry away a cheerful impression of prison. But if he is at the end of his imprisonment to go to a reformatory, the prison may be made a terror to him to the last. He will go out weak and unfit to face the world, but he will recover his strength in the reformatory, but never look on the prison without terror.

while a boy, who for the second time stole turnips, should receive a year's imprisonment, would of course be an absurdity which would defeat its own object. No legal description of a crime has ever yet succeeded in defining its intensity. I have had housebreakers, burglars, and highway robbers, who though they had in law undoubtedly committed these terribly-sounding offences, were in reality such innocent and harmless children that I felt ashamed to charge the government with their keep. It would, I fear, be impossible for the law to define the one case in twenty where the exception to the proposed rule ought to be made, and I would infinitely rather see it left to the discretion of the magistrates than tied down by law. But though there may be great objection to binding magistrates down to an iron rule, I can see neither difficulty nor objection to magistrates agreeing together that they will act in accordance instead of contradiction, that they will adopt a system which shall be understood by those who are to be affected by it, instead of a want of system understood by none.

If, indeed, any legal rule should ever be laid down—I trust it may be—that magistrates in Petty Sessions should only commit to ten days' imprisonment, but in cases which they deemed to require longer punishment they should commit to Quarter Sessions, there would be little fear that injustice would be done, and the cases of doubt would be so rare that we should gain our great object—that any man meditating a crime would be able to say, with almost certainty, "I have been once in gaol; next time I am caught I get twelve months:" or, "I have been twelve months in gaol; next time it will be seven years."

Some say any system except one of retaliation would be morally unjust. I do not know where we are told that retaliation is justice: but I maintain that if you tell a man clearly what will be the punishment of a crime before he commits it, there can be no injustice in inflicting it. But there is great injustice in the present system, when, by giving a man hope that he will escape with a light sentence, it induces him to commit a crime, and then gives him a heavy one.

But reason on the matter as we may, it is an old saying, that an ounce of practice is worth a pound of reason. Let us turn from what is likely to happen to that which has happened.

It is commonly said that the experience we have had with boys in reformatories is of no avail in dealing with men, because "Boys can be reformed and men can't." A very moderate study of statistics—a very moderate acquaintance with criminals, would show that adults not only can be reformed, but that they do reform themselves in great numbers under our most careless and unpractical system. But reforming has had little to do with the very extraordinary decrease of crime I am about to quote, and for this simple reason, that the decrease took place before the boys were reformed.

In 1856 reformatories generally came into action in England, and the practice was adopted of sending to them, and therefore to a long detention, nearly every boy who was a second time convicted. In

that year 13,981 boys and girls were committed to prison; but in the four following years the numbers were, 12,501, 10,329, 8,913, 8,029. Now, this decrease could not have depended on the reformation of the boys, because those committed in 1856 had hardly left the reformatories in 1859, when the number had sunk to 8,913, or less than two-thirds. The decrease had depended solely on the certainty of a long sentence on a second conviction, irrespective of the magnitude of the particular offence, and of the removal for long periods of all the old offenders who excited the envy of beginners by their skill and success, trained them to follow their steps, and showed by their very presence that the old system was powerless to prevent theft. From that time, though there have of course been certain fluctuations, the number of boys and girls convicted in England has never reached 9,000. But one instance will not prove a general rule. Let us take some of the large towns of England:—

COMMITTALS OF OFFENDERS UNDER SIXTEEN, IN LIVERPOOL, &c.

	1856	1857	1858	1859	1860	1861	1862
Liverpool	993	644	486	491	360	418	537
Manchester	349	515	274	218	229	161	139
Middlesex	4,113	3,531	3,012	2,559	2,180	2,049	1,511

Here we see a nearly steady decrease in perhaps the three principal town populations in England; but whereas Liverpool opened its reformatory at the end of 1855, Manchester commenced, I think, in the early part of 1857, and the decrease curiously tallies with what I assume to be its cause.

In all these towns it was the practice to send boys to prison for three months, more or less, according to the accident of the magistrates' estimation of the offence. Exactly as it became the practice to send every second conviction to a reformatory, did the crime diminish.

I have a list from the books of Westminster prison in 1859, of 456 boys then in London under sixteen years of age, who had been four times or oftener committed to prison, and 165 had been eight times or oftener convicted. I believe that now, not ten boys in London under sixteen, have been four times convicted, and juvenile crime has diminished from 4,113 to 1,511. Can it be said that this is a "curious coincidence," and not a direct result? Let me give you the case occurring under my own eye in Cheltenham. The number of boys committed under the Juvenile Offenders Act in that town had risen pretty steadily from 45 in 1852 to 53 in 1856. At this time, the reformatory being well established, every boy committed for a second time, with one or two exceptions of very slight cases, was sentenced to two or three years' detention. In 1857 the number convicted was 14; in 1858 there were 25; in 1859 there were 14; in 1860—13. In 1861 some magistrates thought it better to return to the retaliative system: five or six boys on second or third convictions were sent to short imprisonments, the certainty of a long term on second conviction was removed, and the number rose to 24. In 1862, 18 boys, who had been repeatedly convicted, were sent to

prison, instead of, as heretofore, to the reformatory; three of them in particular were sent from four to seven times, and of course became perfectly hardened, laughed at the punishment, and encouraged others to laugh at it also, and the total convictions rose to 49. In the year ending Michaelmas, 1863, the three boys above mentioned left Cheltenham, nine others were sent to the reformatory, and the number convicted fell to 25. In the year ending Michaelmas, 1864, the number was again reduced to 13, of whom only 2 had been previously convicted of felony.

In the above account allowance must be made for the fact that in '62 the total convictions of all ages in Cheltenham increased from an average of 75 to 120, and decreased again in the following years; but this is not sufficient to account for the extraordinary proportionate increase of boys, so exactly tallying with the alteration in the system of punishment.

Now if any gentleman will prove, either that my facts or figures are erroneous, or that any other cause can be shown for the rise and fall of crime in all these different parts of England, except first, the giving a nearly fixed rule of punishment, which shall be intelligible to the class who are to be prevented; and secondly, the removal from society for a lengthened period of those whom the first punishment fails to check—I will most heartily thank him for his correction. If not, I think that I may fairly ask this association to adopt the following principles:—

First.—That to prevent the honest man from being robbed, and then heavily taxed to punish the thief who robbed him, is our duty as citizens. To save our fellow creatures from crime and temptations is our duty as Christians; but that retaliation (except for the sake of prevention,) is neither a Christian, a moral, nor a political duty.

Secondly.—That the adopting retaliation as the rule or measure for punishment greatly lessens the preventive effect, which is the only real use of punishment: first, because the uncertainty weakens the deterrent power; and secondly, because it affords no safeguard against men repeating their crimes time after time, till they become skilful, hardened, and dangerous.

Thirdly.—That a general, not universal, rule might be adopted by magistrates, which, while leaving room for a few extraordinary exceptions, might be used with good result in eighteen or nineteen cases out of twenty, and that such uniformity of practice would be intelligible to all—deterrent to future thieves—and would afford to the public a better guarantee of justice than they have at present.

Fourthly.—That it is desirable that on a first conviction, with rare exceptions, a short sentence should be passed, first, in order to increase the terror of the gaol; secondly, to encourage prosecutions before crime becomes habitual. An additional result will be, that the shortening of every first conviction will leave room in our gaols for a lengthening of the second.

Fifthly.—That if a short imprisonment, accompanied by the

almost certainty of a long sentence on relapse, fail to prevent a second crime, it is desirable for the public safety that the criminal should be removed from society till such time as any habit or skill he may have acquired be lost, and until his associates will probably be dispersed.

Sixthly.—That if this treatment be followed up by greatly increased sentences on each relapse, it cannot but have the effect of preventing the possible existence both of skilful thieves and of organised gangs, and that this would at once annihilate the worst temptation to future criminals, be a security to the honest, and lower the cost of crime to the country.

Some Prison Statistics, with Notes and Observations on the Causes of Crime. By the Rev. Thomas Hutton, Rector of Stilton and an Ex-chaplain of Northampton County Gaol.

My experience as a gaol chaplain extended over a period of ten years. The following statistics were collected during the latter five years of my chaplaincy.

Total commitments during these five years	2,850
Attributed their ruin to drinking	976
Spent from 5*s.* to 10*s.* a week in drink	293
Spent all their earnings in this manner	17
Had slept in common lodging houses	553
Had at some time money in a saving's bank	68
Had had property in a pawn shop	808
Had been or were members of benefit societies	434
Held their meetings at public-houses	296
Lived at the time of their committal in houses with only one sleeping room	466

Educational Statistics.

Had been to a weekly school	1,920
Had been to a Sunday school	2,077
Ignorant of the name of the Saviour	912
Ignorant of the name of the Queen	1,383
*Unable to read	773
Could read only	805
Could read and write well	24

Ignorance is unquestionably a fruitful cause of crime. It makes men indifferent to all efforts for their mental and moral improvement,

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* This number, no doubt, would have been much larger but for the instruction received in many instances during previous imprisonment.

but alive to all mere animal gratifications. The mere ability to read sufficiently well, so as to take an interest in the pure literature of the day, would exercise an important influence in the diminution of crime. We believe that it will be found that wherever education is at a maximum, crime will be at a minimum. But we are afraid that the influence of the school has not yet reached to any very appreciable extent—that large portion of our population from whence our criminals spring.

Next to ignorance amongst the fruitful sources of crime, comes drunkenness; arising from the gin shop and beershop, and the lower class of public-houses, and the singing and dancing-rooms connected with them. It would be vain to look for any very great diminution of crime, so long as these temptations continue to be multiplied on every hand, in more than an equal ratio with the increase of population. Untutored man is, to a large extent, the mere creature of circumstances; his life and character are formed from the social standard of the neighbourhood in which he happens to live. When we look, therefore, at the circumstances which surround our working men we cannot wonder that drunkenness, crime, and poverty, abound. Poverty is alleged to be a great cause of crime, and this may be perfectly true, but then intemperance is the prevailing cause of poverty. A great deal of crime proceeds directly from drunkenness, but drink is probably the indirect cause of a great deal more; and the associations of the public-house, in their influence upon the labouring classes, are essentially demoralising and crime-producing.*

The pawn-shop and the public-house club may be regarded as two great feeders of drunkenness and improvidence, therefore they both contribute to swell the ranks of crime. Out of 2,850 prisoners, only about 2 per cent. had ever had any money in a savings' bank, whereas 28 per cent. had recourse to a pawn-shop; and although 434 were, or had been, members of benefit clubs, 296 of these held their meetings at public-houses. It is to be hoped that post office savings' banks and Government annuity societies will help to diminish these great evils. We cannot, however, entertain any very sanguine hopes on this head, so long as the far more powerful attractions of the public-house beset our working men at every turn.

The yearly "statutes" for hiring servants have a bad influence on the morals of the people, especially the agricultural population. Not a few prisoners have traced their ruin to the drunken habits and evil intimacies formed on these occasions. To female servants especially, such scenes cannot but be injurious in the highest degree; whatever tends to impair that modesty and sobriety of demeanour which form so important an element in the character of women,

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* It was ascertained that out of 820 persons who were committed in two consecutive years, upwards of 19 per cent. of the offences were committed either at public-houses or in immediate connexion therewith.

inflicts a deep wound on the well-being of the working classes, it leads on to illicit intercourse, reckless and imprudent marriage, and lasting domestic misery, evils which are frequently handed down to the children of the third and fourth generations, in some still more aggravated form.

The observations we have made on the evils of statutes will apply to village feasts, which are very generally scenes of riot and debauchery, and as such they contribute a considerable quota to the statistics of the gaol. Some better substitute for them is greatly needed. The people are sensual and grovelling in their pleasures, simply because they have never been taught better. Innocent recreation, manly and harmless amusements are among the pressing requirements of our country. "We owe the labouring classes," says Lord Shaftesbury, "a large debt of kindlier language and more friendly intercourse." Popular amusements would seem to present an extensive field for the assistance and direction of the higher classes; they might be turned to most useful account in counteracting the demoralising associations of the penny theatre, the casino, and the beershop, and they would also help not a little to establish that community of interest and kindly feeling between class and class which is so essential to the happiness of all.

The new regulations affecting the common lodging houses have doubtless effected a vast amount of good, and the bringing of them under the special supervision of the police is another important step in the right direction. It is highly desirable that the "keepers" of such places should be persons of good moral character; the Act, however, does not provide sufficient security for this. It would be well if a certificate of character were required from the parochial clergyman previously to registration. Our common lodging houses have hitherto been dens of vice and disease. The minds of poor travellers are poisoned with the low ribaldry and obscenity of such places, and they have formed the seed plot of a large portion of the crime of the country. The vagrants are sent out from them into the surrounding villages to perform the office of spies, to discover where plunder is most likely to be found, or robberies may be safely committed; and a credulous public, under the mistaken idea of Christian charity, supports and encourages them in their vocation. If trading vagrants were not relieved, crime would be greatly diminished, a vast amount of misery and demoralisation would be prevented, and large sums would be saved for the relief of genuine poverty and distress.

In one year 20,211 persons were accommodated in the common lodging houses of Northampton; 688 of these were boys, and 617 girls under 16 years of age. Model lodging houses in our large towns for the homeless poor would be an invaluable boon. One has been provided for the town of Huddersfield, and the clerk to the improvement commissioners states that "through its influence the whole class of registered common lodging houses have been raised to

a much higher standard than they were before, and that we cannot sufficiently commend these institutions to the municipal authorities of the country."

In one of Mr. Redgrave's returns from the Home Office, he states that there were 42,726 sentences in one year which did not exceed one month, and that there were 41,280 re-committals during the same period. This cannot be regarded as a satisfactory state of things, whether the fault be in the law or in the manner of its administration.

Short sentences afford no time for the operation of reformatory influences in the prison, nor do they contribute towards the permanent reduction of crime; on the contrary, we believe that the deterring power of the gaol has been greatly over-rated, and that short sentences tend to swell the ranks of the criminal class. By sending a person to prison for one or two weeks, we may degrade and harden him, and on his enlargement, render the pursuit of honest means in obtaining a livelihood much more difficult, but what chance is there of making him a better member of society in so short a period? Persons are frequently committed to prison for a week or two because it is their first offence, but would it not be more merciful to commit them for a longer period, in order that it may be their last? A few weeks more or less cannot add to the disgrace of it, though it may add very materially to its benefit.

Perhaps it would be well, if, as a general rule, the minimum of punishment could be fixed at three months, especially in cases of recommittal. If the offence in the first instance be of so light a character as to demand a mild punishment, then, rather than commit to prison at all, we think it would be better to have it simply recorded against the offender, in order that it might be fully atoned for in case of a second offence.

With regard to juvenile delinquents, who are not proper subjects for a reformatory school, we would say, don't send them to prison at all if it can be possibly avoided. To send a boy to gaol for stealing an apple, an orange, a few walnuts or turnips, is the most likely way to confirm his ruin. Why should the child of a poor man be branded for life for an offence far inferior, perhaps, in point of culpability to that which only subjects the son of a gentleman to a flogging at our public schools?

Mr. Chesterton, whose twenty-five years' experience as Governor of the Coldbath Fields Prison should give great weight to his opinion, says: "If little thievish urchins were sure to receive, as often as detected, a smart whipping with the birch rod, and knew they might inevitably rely upon it, the commitment to prison might be spared without the slightest detriment to public security, and with a sensible curtailment of juvenile delinquencies."

"Sensitive reasoners," he adds, "falsely argue that whipping brutalises. Alas! they little dream how sad and withering is the blight that falls upon the imprisoned child, and how callous and

indifferent to shame he becomes, and how utterly imprisonment, with all its modern ameliorations, has failed to produce aught but the most discouraging effects upon the unreasoning and impressible minds of the young."

On the Consolidation of the Reformatory and Industrial Schools' Acts. By MARY CARPENTER.

WHEN the first Reformatory Schools' Act passed through the legislature, in August, 1854, a principle was established which had not previously been directly acknowledged by our Government, viz., that it is for the welfare of society, as well as of the individual, that juvenile offenders should be reformed; and that such reformation should be entrusted to voluntary benevolent effort, while the Government, acting *in loco parentis*, should provide the requisite authority and funds.

The first Act was to a great extent permissive and experimental. It was assumed in its preamble, that efforts to reform juvenile offenders had previously been made, which, even under great difficulties, had been so successful as to prove the possibility and the advantage of the undertaking. This was actually the case.

The reformation effected at Mattrai in France, at the Rauhe Home in Germany, at Stretton on Dunsmore, and Red Hill in England; beside the experience of numerous institutions in the United States had sufficiently proved the principles on which such schools should be established, to persons who devoted their attention to this subject. But the adaptation of these to the legislative machinery of our own country was a work of no small perplexity.

Hence, in successive years, alterations were found necessary to accomplish the efficient working of the Act. There has been no contradiction in the different amendments; all have tended only to develop more perfectly the original intention, and little has been added which was not foreshadowed in the first Act.

But it is evident that a reference to four different Acts of Parliament is perplexing and inconvenient; and we learn that a consolidation of these is contemplated during the next session. This is then a fit time for the managers of Reformatories to consider if there are any additions or improvements which it would be desirable to embody in the new Act.

The experience of eleven years has proved that, on the whole, the law of Reformatories is admirably adapted to the end intended. Voluntary effort is by no means shackled, while it is duly controlled and sustained. Every aid has been given by the law to those who have undertaken the arduous task of the reformation and suitable education of young persons, who had been previously without proper guidance. And, at the same time, such arrangements have

been made by the Secretary of State, as to enable his Inspector, without interference with the liberty of the managers, to obtain from them such distinct statements of the results of their work, both during the detention of the young persons under their care, and even during three years after they have left it, as to afford security to the Government and to the public, that the money and authority which have been given have not been misplaced, and that the confidence which has been reposed has not been abused. A few alterations and additions may, however, be suggested.

The minimum period during which there must be previous imprisonment, should be shortened from fourteen to seven days—that period always to be passed in solitary confinement; this, if strictly enforced, is, in most cases, amply sufficient for a child. There should also be a provision that the maximum shall not exceed a month, so as to prevent the long and worse than useless imprisonments now sometimes inflicted on young children. In one case a little girl was sentenced to a year's imprisonment and hard labour; and, at present, a sentence of three months is by no means uncommon; this, in connection with detention in a Reformatory, is not only useless, it is very injurious.

Some important provisions were made in the last of the four Acts, that of 1857. One was to enable a part of the expense of maintenance to fall on the district whence the young offender is sent to the Reformatory. This always appeared an important principle to those who first organised the Reformatory movement—they held that every district should do at least something towards the cost of its own crime. It is now provided that county magistrates in Quarter Sessions, or the council of a borough, may set apart some portion of the rates to aid in the expense of the maintenance of juvenile offenders; and may contract with the managers of Reformatories for their reception, on such terms as may be mutually agreed on. The number of counties and boroughs which have availed themselves of this power to contract with Reformatories is most satisfactory, as showing a recognition of the principle, a confidence in the Institutions, and an interest in the young persons who had begun to be an annoyance to society. These contributions, as they became universal, would materially lighten the general burden of the country.

The allowance to Reformatories has already been diminished from 7*s.* to 6*s.* a week, and it is to be hoped that 5*s.* per week from the Government, with due economy, and supplemented by an allowance from county rates, and voluntary contributions, will soon be found amply sufficient. My own personal experience confirms this. In the Institution which is under my management, the Red Lodge Girls' Reformatory School, subscriptions and donations have been declined during the last six years; the annual expenditure is at present more than covered by the Government allowance and the money received from county rates, without considering that derived from the profits of industrial work, and the interest of money vested.

The other provision alluded to as introduced into the Act of 1857, requires a slight alteration to complete its efficiency. It respects the putting out young persons on license or trial, before their final discharge.

This license is limited in the Act to one month. It is found practicably desirable that a much longer period of trial should be passed while still under the authority of the school, before the young person is considered fit for discharge. Managers usually effect this by a renewal of the license every month; this proceeding, however, involves complications which could be removed by a slight alteration in the Act.

Two serious difficulties only are still felt which may be remedied by legislation.

The first regards the final provision for our children after they leave us. The parents of a large proportion of them have proved themselves totally unworthy, by their conduct, to have the control of their children. The young boys and girls themselves would gladly, in many cases, be protected from the parents who had led them into evil. This might be effected most satisfactorily by giving the power of apprenticing the inmates to trades, into the hands of the managers of Reformatories, who are now their legal guardians, instead of limiting it to parents, who have shown themselves careless of the welfare of the child.

For want of such a power the expense bestowed for many years by the Government, and the care and labours of the school managers, have been in many cases comparatively wasted, through the young persons being thrown, on discharge, into the hands of dissolute parents. The anxiety of the manager for the welfare of his young *protegé* does not cease when the legal time of detention expires, but his efforts are often rendered nugatory through want of this simple provision.

The other alteration is the following. The Secretary of State has power at present to order the remission of part of the sentence of young persons under detention in Reformatories, and he does so continually, on the representation of the managers that satisfactory proofs of reformation have been given.

He should have also power to lengthen the sentence, if it is satisfactorily proved that the young person's conduct has not been such as to warrant the hope of safe restoration to society. The granting of such a power may, at first sight, appear a great innovation, and inconsistent with ordinary principles of penal discipline. But it must be remembered that the fundamental principle of the Reformatory Schools' Act, is that they are not for the punishment, but for the better *care and reformation* of youthful offenders.

Punishment forms no part of the Act; that has been administered by the common law before the Reformatory Schools' Act is brought into operation, and previous imprisonment is referred to in the Act only to limit the class of persons who are eligible for the Reforma-

teries. The sentence of detention in a Reformatory is, therefore, not a punishment, but a benefit conferred by the State for the welfare of society, and of its erring children. Now the term of detention, according to law, varies from two years to five years. It is of course impossible that, in awarding the sentence, any one can tell how long a period may be necessary for the reformation of the child, but it is of the first importance that from the commencement he should understand that the period which must elapse before going out into the world must depend on his own conduct. The inmate will then have a strong stimulus to apply himself to profit by the means of improvement held out to him, since he knows that he will not be released until he has proved himself fit for liberty; but as the law now stands, if the offender has a sentence of only two or of three years, he regards it as a penal sentence, and counts the days, or even the hours, when he shall be free, without earnestly setting himself to improve. This we know is far from being a rare occurrence, and thus the expense and trouble bestowed are fruitless, because the inmate has never applied himself to reform.

The evil is so well known by those who understand the Reformatory principle, that many managers will not, by their rules, receive inmates who have less than four or five years' detention. Two years may, in many cases, prove sufficient training, and then a discharge will be applied for by the managers; but it will seldom be so unless the young person has been fully aware from the commencement that his detention will be indefinitely prolonged if he does not strive to improve. Even five years may not, in some instances, be sufficient. Where a child has been brought up from infancy in an atmosphere of vice, and where a wicked parent is watching for the expiration of the sentence to make her again the sharer of her vicious course, and the girl, fully aware of it, hardens herself against correction, can we wonder if, within a year of her discharge, she is sentenced to a convict prison? If the Secretary of State had had the power of lengthening her term of detention in such cases, that poor girl might have been rescued from a life of crime. A little child of eight years old has just been sentenced to five years in a Reformatory. This diminutive girl was actually convicted a second time of stripping an infant of two-and-a-half years, and stealing its clothes. Such conduct indicates a precocity in vice which it is frightful to contemplate. Will she be prepared, at the end of her sentence, when still a child of thirteen, to gain her living honestly? Can she safely be returned to the impure atmosphere which had before corrupted her? Should there not be a power to detain longer in such cases?

We urge, then, that to place detention in a Reformatory on its true footing, viz., the reformation of the offenders—and to promote that reformation, the power of lengthening the term of detention shall be vested in the Secretary of State, whenever it shall appear to him necessary for the welfare of the offender.

The consolidation of the Industrial Schools' Acts, and the changes required in them are now to be considered.

The first of these Acts was passed three years after that of the Reformatory Schools, in 1857 ; it is founded on the principle, "That it is better to arrest incipient crime than to punish ; that it is better to rescue from bad influences and proclivity to evil, boys who are without due parental controul, before they have received the prison brand upon them."

In this preventive character they differ from Reformatories, a sentence to which necessarily includes also a sentence to prison. The intention of this Act was to check habitual vagrancy, and to save young boys from the contamination of a prison on the commission of petty offences.

As the object of the schools is not eleemosynary, and is not intended for such children as would properly be provided for in the workhouse, as also it was distinctly intended to preserve young children from incurring the stigma of the prison, these schools were at first treated as educational establishments, and placed under the management of the Committee of Council on Education.

But as the Parliamentary Educational Grant is not intended to be a maintenance fund, this was seen to be an error, and a short Act was passed in 1860, transferring these schools, like the reformatories, to the Home Office, since they also are intended to check juvenile delinquency. In 1861, an Act was passed for the consolidation of the previous Acts, remedying various inconveniences which had been experienced in the working of a new system. The children contemplated for these schools, are thus enumerated in the following clauses of the last Industrial Schools' Act :—

I. "Any child apparently under the age of fourteen years found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms."

II. "Any child apparently under the age of fourteen years that is found wandering, and not having any home or settled place of abode, or any visible means of subsistence, or frequents the company of reputed thieves."

III. "Any child apparently under the age of twelve years who, having committed an offence punishable by imprisonment or some less punishment, ought, nevertheless, in the opinion of the justices, regard being had to his age and to the circumstances of the case, to be sent to an Industrial School."

IV. "Any child under the age of fourteen years whose parent represents that he is unable to control him, and that he desires such child to be sent to an Industrial School, in pursuance of this Act ; and who at the same time gives such undertaking or other security as may be approved of by the justices before whom he is brought, in pursuance of this Act, to pay all expenses incurred for the maintenance of such child at school."

The first three of these clauses may be regarded as embracing

generally all the children intended by the Act, if worked in the spirit evidently contemplated; they have already had the effect of rescuing numbers of young persons who would certainly otherwise have perished through neglect, or soon received the prison brand. These clauses do not appear to require any alteration. The fourth clause involves a principle somewhat new in our country, though it has long been established in the United States, especially in New England. It does not usually affect the lowest class of the population, because such children when not under parental control are almost certain to commit some offence which would bring them under the action of the first three clauses. But it has proved of very great value in many cases, not less important, where a young person in a somewhat higher class of society has required stronger and more steady control than could be given in the Home, and is therefore on the brink of moral destruction, though his position saves him from committing acts which would subject him to the grasp of the law. Such cases cannot be dealt with by mere voluntary agency; the magisterial sentence is needed to preserve due control, and with this many youths have been restored to a respectable way of life. This clause has not, however, been much used, in consequence of two points in which alteration is required.

First: After the word "parent," should be inserted, "or guardian." Young persons who are orphans, and left under the care of relatives or friends, especially require this control, but they are excluded from it by the wording of the clause.

Secondly: The portion of the clause respecting payment should be omitted, and the order of payment from parents made to the Government, as in the other clauses; or, if it is thought necessary as a check on an abuse of the clause, that some definite payment from the parent should be stipulated; this should be paid, as in other cases of ordinary parental payment, to the treasury. The present system of leaving the managers to collect the payments for children sent under this clause, is very injurious, and introduces an unpleasant feeling between the manager and the parent, highly detrimental to the moral influence which it is desirable to establish. This difficulty has prevented the proper use of a very important portion of the Act, and it hoped will be removed.

In other respects this Act appears to work well. It requires the insertion of a licensing clause similar to that in the Reformatory Act. This is an important addition, and will we trust be supplied shortly. It would be desirable also to give the same permission for aid from county and borough rates as in the Reformatory Schools.

This Act had, at first, to struggle with great difficulties, not only in consequence of the defects in it, which experience has now enabled the Legislature to remedy, but because the limited period fixed for the operation of this Act, gave a feeling of uncertainty as to its permanency, which prevented many from incurring cost for what might prove only a temporary undertaking. But the value of

the principle has now been acknowledged, both by magistrates and by the public, in districts where these Schools have been well worked. It only remains, then, for the Government to give the same permanency to this as to the Reformatory Act, and a sufficient number of schools will doubtless be established to supply the requirements of the country.

That the system of Reformatory and Industrial Schools has produced a great effect on the juvenile crime of the country is no longer a matter of doubt or speculation. The same degree of juvenile crime does not now exist as was common in England before their establishment, when many boys and girls were sent repeatedly to prison. It is unnecessary here to demonstrate this. But it is very satisfactory to learn from the "Report of Convict Prisons," just issued, what has been their effect in lessening, and indeed almost eradicating the more serious crimes of young persons which were formerly punished in Government prisons. The directors say, "Under the influence of the Reformatory Act, the number of juvenile convicts has greatly decreased. There were on the 31st of December last, only 68 in the hands of Government, whilst at the corresponding period in 1854, there were no less than 536. Only 15 juvenile convicts fit for the juvenile class were received last year, and it seems probable that as those now under sentence are released, their places will not be filled, and that youths of a tender age will not for the future be sent to Government prisons. The success of the Reformatory system," Colonel Henderson continues, "has been such, that it will be a matter of congratulation when such children are not sent to a penal servitude prison, for, whatever pains we may take, it is to be feared that *familiarity at that early age, with the final resource of punishment, must have a lasting and an evil effect.*"

We rejoice to learn from this important quarter that it is recognised and understood that familiarity with the final resource of punishment *is* most injurious to children of tender age.

Now that the Industrial Schools' Act provides that for *any* punishable offence children under twelve may be sent to the school, why are any still sent to prison, and thus familiarised with the ultimate resource of punishment? Why are they not handed over to parental correction, if such be possible, and if it be not, why are they not placed under such controul as to prevent them from continuing to annoy the public?

Past experience shows that without an Act to prevent the imprisonment of children under twelve or fourteen years of age, except as a preliminary to a Reformatory, the benefit to be derived from these two important Acts will be only partial and irregular, and the anticipated benefit to the rising generation greatly neutralised.

The importance of rescuing the young from the prison brand cannot be too highly estimated, and is fully understood by those especially who are concerned with the administration of justice.

The Government having now made a sufficient provision for the proper training of juvenile offenders, let them complete their work

by providing, either by a short separate Act, or by an addition to the present Acts, that no child under twelve, or, still better, fourteen years of age shall be sent to gaol, and that henceforth our prisons shall not be made receptacles for children of tender years, destined by the Creator for very different training and education!

JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

President.

SIR R. J. PHILLIMORE, D.C.L., Her Majesty's Advocate-General.

Vice-Presidents.

W. T. S. DANIEL, Q.C.
WM. FORSYTH, Q.C., M.P.
T. S. B. EASTWOOD.
THOMAS DUNN, ESQ., J.P.
GEORGE W. HASTINGS.

Secretaries.

H. D. JENCKEN.
A. O. CHARLES.
A. J. WILLIAMS.

Local Secretaries.

WILLIAM FRETSON.
H. WALTER IBBOTSON.

In this Department are discussed the Science of Jurisprudence and the Amendment of the Law; including the Principles of Law and Legislation, Comparative Jurisprudence, International Law, Municipal Civil Law, and Criminal Law, together with the treatment of Criminals.

SUMMARY OF PROCEEDINGS.

THE following special questions were discussed in this Department:

SECTION A.—INTERNATIONAL LAW.

Is it desirable to establish a uniform international law of Freight; and if so, on what principles?

SECTION B.—MUNICIPAL LAW.

1.—Upon what principle should the Bankrupt Law of England be amended?

2.—Is it expedient to remove any and what of the remaining Restrictions on the Admissibility of Evidence in Civil and Criminal Cases?

3.—Upon what principle should Local Courts be constituted with reference to Extent of Jurisdiction and System of Procedure?

SECTION C.—REPRESSION OF CRIME.

1.—Is it desirable to establish Reformatories for Adult Criminals?

2.—Does the present Administration of the Poor Law create any obstacles to the Reform of Criminals and the Repression of Crime. And if so, how could such obstacles be removed?

3.—What means is it desirable to adopt to prevent the passing of Sentences inadequate to the proper Repression of Crime?

In addition to the papers printed in the foregoing pages, the following were read in the Department:

"Bankrupt Law Amendment." By W. Notley.
"Excluded Evidence." By G. J. Holyoake.
"Tribunals of Commerce." By W. J. Leppoc.
"Reformatories for Adult Criminals." By T. B. L. Baker.
"Can any Alteration be made in the working of the Poor Law which may tend to decrease Crime?" By T. B. L. Baker.
"On the Sentences passed upon Criminals." By J. H. Murray Brown.
"Necessity for the inviolate preservation of Trial by Jury in all questions of fact involving the status of the subject." By Miss Shedden.
"On the Affiliation of Illegitimate Children." By John Guest.
"Plurality of Votes." By R. A. Macfie.
"Long restrictions on the use of Inventions incompatible with free and fair trade." By R. A. Macfie.
"On the Palace of Justice: its site and approaches, and the arrangements of the Courts and Offices of Judicature." By Thomas Webster, Q.C., F.R.S.
"The public advantages of the grant of Assizes to Sheffield." By R. J. Gainsford.
"Reformatory Schools, especially in connection with the Girls' Reformatory at Howard Hill." By R. J. Gainsford.

THE BANKRUPT LAW.*

Upon what Principle should the Bankrupt Law of England be amended?

The paper on this question, by Mr. Moffat, M.P., will be found at p. 115.

DISCUSSION.

Mr. HADFIELD, M.P.: There is one remedy in the hands of creditors which must never be forgotten, and that is the power which all persons engaged in trade have of giving or withholding credit—a power on the discreet exercise of which very much will always depend. If persons speculate upon the chances of getting paid by others whose circumstances are suspicious and doubtful, the risk is in a considerable degree their own, and no provision of the law can possibly secure them against losses when they make mistakes. I am perfectly convinced that, of all the errors that have been made in connection with this question of bankruptcy law amendment, the most serious was the omission from the Act of 1861 of the clause providing for a chief judge. My reason for wishing the appointment of a chief judge in bankruptcy was that a man of skill and intelligence, taking the whole subject into his consideration, would surely be able to devise some method by which justice should be done at all times. In the fleeting affairs of mankind

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* For references to this subject in the earlier volumes of *Transactions*, see footnote at p. 115.

there is so much variety that it is impossible to point out one stereotyped way of dealing with all cases of bankruptcy; and the proposal of requiring a certain amount of dividend comes to this, that it would compel the friends and relations of an insolvent to make a contribution when perhaps the man has lost his property while engaged in industriously seeking to earn an honest livelihood. Much consideration ought to be shown to men who, while honestly pursuing their business, fall into misfortune. It is worthy of inquiry how it comes to pass that in America, a country which is not surpassed by any except our own for commercial pursuits, there is no bankruptcy law at all? They have no law in America by which you can imprison a man for debt, and yet credit goes on without interruption. I met recently with a statement by Chief-Justice Earle, in a charge to a jury, to the effect that if the law of debtor and creditor was done away with entirely, it would not stop one commercial transaction in a million. I have always been of opinion that the expenses incidental to bankruptcy were extravagant, and that a great part of them is unnecessary. In the next place I think that the creditors pay too large a premium to prevent a preference being shown in the settlement of an insolvent debtor's affairs. That is the worm at the root of the tree which destroys its power, the anxiety which we all feel that one creditor should not be preferred to another. That is good in itself as a principle, but the sum which is paid for it is far too much. The Scotch plan has given great satisfaction in Scotland, but I am not so sure it will answer in England. That there is a necessity for some amendment of the law in England I am convinced, but how the amendment is to be made is a question involved in difficulty. I am most anxious to secure all just rights to creditors. The moral obligation of the debtor can never be discharged but by paying 20s. in the pound. But it is very difficult, considering the vast number of commercial transactions in the United Kingdom, to see how it is possible to secure that justice shall be done between debtor and creditor, without interrupting in any way the perfect freedom of commercial pursuits.

Mr. William Hawes.—While admitting most fully that the law of debtor and creditor, and that of bankruptcy, are in a most unsatisfactory condition, I must confess that if we are to adopt the recommendations of the Committee—over which Mr. Moffatt presided—we shall undoubtedly add another to the many blunders that have already been made in this department of the law. In order to ascertain what alterations should be made, and in what direction they should point, it is necessary for us to look back carefully to the course of legislation for many years past. My honourable friend gave us in great detail his account of the various laws which have been passed in relation to bankruptcy for the last two or three hundred years; but I think that if we commence by looking at the principles which governed Lord Brougham when he introduced the Act of 1832, and which again guided him in 1849, when he was supported by the mercantile community, it will be found that if those principles had been carried out in our law of bankruptcy, we should not have been in the position in which we now find ourselves. Lord Brougham found the law of bankruptcy in a most anomalous position. The creditor had the sole power over the property of the debtor, and almost unlimited power over his person. They appointed and chose their assignees; they distributed their assets; in their hands was the punishment of the debtor—for by a refusal of certificate at that time the debtor was grievously punished. There was, besides that, the means of punishing the debtor by common law if he committed fraud. Everyone of the principles which Mr. Moffatt now proposes to introduce existed prior to 1832, and the result was most unsatisfactory. The first effect of the new Act in 1832, was that £2,000,000 of property which had been in the hands of assignees was paid into court; and yet we are now asked to go back to a law by which the creditors will choose their own assignees, without any controlling power by any authorised person to see that moneys paid to the assignees are duly accounted for. [Mr. Moffatt.—The trustee is not to hold money. There is a very express provision under the Scotch system by which that is secured.] I am aware of the provision that the trustee is not to hold it; but we know that in the face of such provisions he did hold it. It is very well to propose to put on paper that the trustee shall do so-and-so; but unless you see clearly how the provision is to be worked out, it is of no use to legislate in that direction. It is sufficient to

refer to the numerous provisions in the Acts passed from time to time to show how difficult it is, when an Act is passed, to enforce its conditions. The Act of 1861, which I did everything in my power to oppose, completely abolished everything that was good in the previous Acts, and allowed everything bad to remain. By the Act of 1849 Lord Brougham gave power to a set of men who were called official assignees, to supervise the accounts of the creditors' assignees. Now that principle, if it had been carried out by the commissioners of the court, to whom these official assignees were accountable, would and must have worked well. But the fact is that the Commissioners were most deficient in the discharge of their duty; and that being the case they could not insist on the official assignees discharging their duty efficiently; and the whole court got into a state of confusion, which made it a pest to society. But if the official assignees had discharged their duty, and had the highest officers of the court compelled them to give in a yearly return, as they were bound to do by the Act—had they returned the whole particulars of every estate in their hands, and which had passed through their hands every year, giving an account of the balances they retained, and of the money put into the Bank of England—the office would have been as popular as it is now unpopular. But another great principle was a leading feature in the Act of 1849. It must be remembered that the difficulties which have arisen in connection with this subject are not due to the course of legislation only; they are also partially due to the fact that in the period from 1832 to 1849 there were great changes in the principles which guided our commercial relations. We had been gradually loosening the hold of the creditor upon the person of the debtor—gradually giving greater power to the debtor and less to the creditor. But an insolvent law were a disgrace to the community by which any man in debt could whitewash himself of his debts without control of the creditor; and all the abuses under the law had arrived at a point at which some remedy by the Act of 1849 was absolutely necessary. The Act of 1849 drew a clear and well-marked distinction between the man who failed from misfortune and the man whose failure was the result of fraud. That distinction was endeavoured to be carried out by gradation certificates, which Mr. Moffatt told you were of equal value. But that is not the case, though practically it came to pass that only one class of certificate was given to all. There was a distinction between the classes of certificates; but that distinction involved a careful inquiry into the circumstances of each case. That inquiry was not made, and the consequence was that almost everybody got a first-class cerficate; and if by any chance a commissioner in bankruptcy did not give a first-class certificate, or refused a certificate, an appeal was immediately taken to the Court of Chancery. The bankrupt was heard on his own side in support of his appeal, and there was nobody to oppose his statements, so that the Commissioner was invariably found to have given an unjust and oppressive decision, the decision was reversed, and the man went away with a first-class certificate. Thus the law has endeavoured to secure that justice should be done between debtor and creditor, but the higher officers of court, and the superior courts of appeal, did everything they could to prevent the good administration of the law. Then in 1849 arrangement clauses were introduced, and my honourable friend now quotes all the results of these arrangement clauses, and treats them as evidences of failure, while, on the contrary, I look upon them as evidences of success. These clauses provided that, on a certain portion of the creditors in amount and number agreeing to take a composition from the debtor, that composition should be registered, and in due course of time the debtor should have his discharge. But a few words introduced into one of these clauses entirely destroyed their efficiency; for in one clause it was said, that the distribution of assets should be the same as if they were distributed in bankruptcy. Now every man in business knows that the very essence of a deed of composition or assignment, when a man submits his affairs openly and honestly, is not that the whole property should be divided to the last shilling, but that a composition should be offered, leaving the trader in possession of his business to recover himself. But if under a composition deed you are to be compelled to divide everything, that is equivalent to a court of bankruptcy; and so these arrangement clauses, which were framed out of a desire to draw a well-marked distinction between the unfortunate and the fraudulent debtor, were rendered useless. Well, in 1849, there was an Act of this kind which compelled

every man to show a dividend of 5s. in the £1, before he could petition the court in his own behalf; but that was found to be inoperative, and not only so, but to be unjust, and to induce fraud, because, in order that the required amount of assets might be shown, fraudulent statements were got up, and in the winding up of the estates, not one-tenth of the assets shown in the statements could be realised. And yet, with all our past experience of these matters, we are now asked to go back to the former state of things. We are asked to get rid of the official assignee, to take the deed of assignment with the same clauses which were inoperative before, and to introduce a provision that no man shall be entitled to his discharge within six years, unless his estate shows assets sufficient to yield 6s. 8*d.* in the £1. Now what is the principle of a law of bankruptcy? It is that a debtor, having resigned all his goods, shall be placed in a position to start again in life. But if you tie a man with heavy obligations for six years, it is equivalent to ruin. What can a man do if he has no certificate or discharge for six years? You have already removed from the creditor the power of taking the body of the debtor, you cannot imprison him, but for six years you are going to take from him his mind, energies, and everything which will enable him to succeed in after life. I say that such a clause is manifestly unjust, and would tend to create rather than decrease commercial immorality. My honourable friend compares the amount of deeds of composition for the last three or four years with the former state of matters. But there is really no comparison. The bankrupt law of 1861, which abolished the distinction between trader and non-trader, has brought a flood of bankrupts into the court who were previously insolvents; and in order to get returns worth a straw, you must go to the records of the Insolvent Courts, and add the insolvents to the bankrupts. Then, with those returns showing how small are the dividends paid by bankrupts, we are asked to shut out all debtors from relief for six years who are not able to pay 6s. 8*d.* in the £1. Are men of business prepared for that? I am convinced that business men in London would not sanction the introduction of such an unjust state of things. My friend began his statement by remarking that the amount of insolvency in the country was over £50,000,000 a year. That is no exaggeration. If you look back to the evidence given in 1849, it will show that the annual amount of insolvency was then above £50,000,000. How is that £50,000,000 arrived at? In the first place, we have £8,000,000 a year brought before the Court of Bankruptcy, and commercial men know that for every bankruptcy ten cases of insolvency are settled by deeds of composition. Then in the Insolvent Courts you have another large class which never come before the public. If you take all these together you will find my honourable friend's estimate under the mark. But then you must not use the figures which bring this fairly before the public now, as affording any evidence that there is a change in the law which is producing such an effect on the commercial morality of the country. I believe that the commercial morality of the country is steadily on the increase, but I believe that the law is at present doing all it can to prevent that increase being so rapid as it should be. I believe that the inducement which is given to evade the law encourages the dishonest trader, and that difficulties are thrown in the way of the honest trader getting a settlement of his affairs. If a Court of Bankruptcy is good for anything, it ought to give every facility to the honest trader, who has become bankrupt through misfortune, obtaining a settlement. But I believe that a Court of Bankruptcy is unnecessary in this country. There is no such court in America, and undoubtedly in that country there is commercial prosperity. Although we were to abolish the Court of Bankruptcy it would not be necessary to abolish all the law of bankruptcy. We must have something defined by which, when a man is unable to pay his debts, all proceedings may be stopped; some means by which the acts of the creditors should be made legal; but there is no occasion, because the present court is bad, that we should set to work to establish a new court. One of the recommendations here is, that the Court of Bankruptcy should be entirely abolished; but it is proposed to establish another, and what evidence is there that the new court, begun with the same intention as other courts, will be any better? We shall have one judge, but that may or may not be an improvement. We are to have one accountant only: but can one accountant supervise, without an enormous staff, these thousands of bankruptcies every year? There must be assignees, accountants, and the entire

machinery under this new system. Who is to take care of the affairs of the debtor until the trustee is chosen? Then, nobody is to vote for this trustee until his debt is proved, and who is to receive the proof? Where is the machinery for testing the right of persons to vote? The fact is, that these recommendations, although put in a popular form, would really, if they were carried out, come to the establishment of another court in place of that which we are asked to abolish. I believe that the true mode of dealing with this question at the present moment is entirely to abolish the Court of Bankruptcy, and to have stringent laws, if they are not stringent enough now, for the punishment of fraud in commercial matters. You must have some definition of commercial fraud, because we all know that breach of trust and fraud run so closely upon one another that unless some improvement is made in these definitions, what may be regarded as fraud may be legally proved to be breach of trust and not fraud. We want some legislation in such matters, which would not be very difficult to accomplish; but I believe that the Court of Bankruptcy is not at all necessary, and I must protest against our going back to principles which we have tried and found wanting.

Dr. Pankhurst: In the first place, I would say that the Bankruptcy Act itself was the result of a distinct demand on the part of the commercial community; and, in the second place, it ought to be remembered that it lies with the commercial community themselves how far they shall give credit. I believe that there is a great deal of the moral element in that single statement. The present system of bankrupt law provides for the discharge of insolvent persons by two distinct ways; the one is the public way of adjudicating in bankruptcy, and the other is the private way of deeds of assignment. Now what position does Mr. Moffatt take with reference to these two ways? I affirm that he takes a most illogical position. He condemns the public way because the public do not use it, and he condemns the private way because the public do use it. The number of those who go to the bankrupt court, having estates, is so small, that practically the public has pronounced that it wants nothing to do with this public mode of obtaining the discharge of insolvent persons. But with reference to the private mode of procedure by deeds of assignment, the number of these deeds is so vast, and there is so exceedingly large an amount of money involved in them, as clearly to show that the public is satisfied with that system to a large extent. Mr. Moffatt, in condemning that part of the present system, is acting inconsistently with his own position—namely, that the creditor should get the complete disposal of the estate of the debtor. Now that is substantially the private system of the existing bankruptcy law. Mr. Hawes condemns that principle on account of its present form. What he ought to do is to adopt the existing principle, but under a better form. Mr. Moffatt has given us very briefly an account of the way in which a man deals with his creditors, who, in a certain exigency, finds himself in difficulties. Now I ask him, as a man conversant with commercial matters, whether, if a man had twenty-five creditors when he became insolvent, and called these twenty-five creditors together to appoint a responsible person to become trustee of that estate, and if the creditor could know upon what conditions he could assign over his property to the whole of his creditors, and thereupon receive a clear discharge, you would not have in that simple arrangement all that you really want? For if you had a responsible trustee, you would have a man bound down by three conditions: the first, that he should be under liability to honestly and carefully ascertain the *bonâ fide* claims of the creditors; the second, that he should use due diligence to collect and get in the estate; and the third, that he should simply, equitably, and speedily distribute the estate among the creditors. Now I believe that under the system of deeds of assignment, composition, and inspectorship, £31,000,000 have been involved during the last three and a half years; and how far has any man any charge to bring against the trustees of these assignments for not discharging their trust? Mr. Moffatt has referred to the difficulty of giving validity to deeds of assignment; but the remedy for that evil is to lay down clearly the conditions which determine the validity of the deeds. Then it is said that the trustee hands over the real work to a solicitor; but that might be remedied by placing the matter in the hands of a responsible person, who might be held bound to deal with it himself. If Mr. Moffatt is in favour of giving complete control of the estate to the creditors, why does he not adopt such a

system as that? If he is in favour of discharging a debtor when he pays a certain dividend, he can easily introduce a condition of that sort. There are two plans ordinarily taken with reference to a debtor receiving his discharge. He may either be discharged on paying a certain sum which the creditors may agree upon, or they may say, "We won't discharge you at all, except we see cause to do so in your future behaviour." Well, I say that, as a matter of fairness, we should fix some specific sum or time, and not leave the bankrupt to be pounced upon at any time. Mr. Hadfield has said that he relies a great deal for the efficiency of the bankruptcy system upon the appointment of a chief judge. But a chief judge could not do the things desired by Mr. Hadfield. A chief judge would simply administer the law, while he wishes a man of experience and information who might adjust a system which might hereafter be thrown into the law. That is for the public men of our time and not for a judge to do. On these grounds, then, I think that we ought not to condemn the private system of the bankruptcy law, as it has worked substantially well, with all its defects, which admit of easy redress.

Mr. GRINDLEY, of Liverpool: Dr. Pankhurst replied to the objections against the bankruptcy law by stating that the present law was demanded by mercantile men. Now, I think it is consistent with the experience of most mercantile men to say, that whilst the Chambers of Commerce asked for an amendment of the law of bankruptcy, the existing law of bankruptcy was not really the amendment of the law which they desired. Dr. Pankhurst also said that mercantile men had the law in their own hands in connection with the matter of credit; but I think that it is the experience of mercantile men that this question of credit is not entirely in their own hands. We find that credit is given by eminent firms to persons holding a good standing in the commercial world; and if these persons ask credit from you, there is no legitimate reason which you can give for refusing them. I believe that, if we were to carry out the suggestion which has been made that no debtor should receive his discharge within a certain stated period without paying a dividend of 6*s.* 8*d.* in the pound, that would come pretty near to doing away with dishonest and fraudulent bankrupts, and giving relief only to those who had been placed in the unfortunate position of bankrupts by circumstances beyond their control. We all know, as a matter of fact, that those who become bankrupt do not call their creditors together the moment they discover that they are insolvent, but that, generally, the insolvency has been a matter of some years' standing when bankruptcy is declared, and that, therefore, it is, in many cases, dishonesty and not misfortune which has caused the evils of which we complain. It has been said that we are inconsistent in objecting to the public plan because the public do not use it, and to the private plan, because the public do use it to a large extent. But why do the mercantile public use the private method of settlement in cases of bankruptcy? Simply because it is their misfortune, not their fault—simply because necessity has no law. The debtor makes a statement to his creditors, and says—"I offer you a composition of 5*s.*, in the pound; and if you don't accept it I must have bankruptcy." We know what that means, and we prefer to take what we can get. The present system operates unfairly in this respect also, that under it a man may get his discharge immediately on paying a composition of 2*s.* 6*d.* in the pound, while at the very time he is so discharged he is engaged in speculations which may turn out successful and realise a sufficient sum to enable him to pay his debts in full. I know that it is the experience of the Liverpool Exchange, and I believe it is also the case elsewhere, that debtors have obtained private settlements by paying very small compositions, and in the course of a very few months, owing to the success of speculations in which they were engaged when they obtained a settlement of their affairs, they have a very large amount of assets at their disposal, of which the creditors cannot avail themselves. If the immediate discharge of insolvent debtors were to be prevented, and payment of a certain amount of dividend required before the discharge could be given, the creditors would then reap the advantage of any successful speculations of the debtor, and he would, if he were an honest man, perhaps be able, in some cases, after a little delay, to discharge the debts in full. Then, in connection with the practice in the Scotch Courts, it has been suggested that the person who is to receive the assets of the estate and liquidate its liabilities would be in no

way responsible to anyone. I think that is a mistake. The trustees would be responsible to the creditors; they would be liable to be dismissed by the creditors; and, if I mistake not, the person so appointed is to give ample security—it was not distinctly stated whether or not the creditors could appoint any particular accountant or particular solicitor, or whether in each town there would be an official assignee appointed by government. [Mr. MOFFATT: The trustee is to be selected exclusively by the creditors, who will be at liberty to select whoever they may think the best man; and not only so, but he will be compelled to give solid security for the good accounting of all the assets which he receives on behalf of the creditors before he is allowed to put his hands on the cash. That has been the practice in Scotland, and according to the evidence relating to the Scotch system, there has never been a case of a trustee who has been a defaulter.] I think that fully meets the objection which has been taken in regard to this point. The objections which apply to an official assignee will not apply to a trustee. The official assignee not being appointed personally by the creditors, they do not feel that they have the right to controul him, but the trustee, being appointed by the creditors, would be their servant—and would act in accordance with their directions.

Mr. Cox, Recorder of Falmouth: The change advocated by Mr. Moffatt is not a reform, but a revolution. Feeling the difficulty of carrying out so great a change, I venture to submit to this Association an intermediate plan, which may perhaps smooth the way from the present most inefficient state of the law to that entire change which is advocated by Mr. Moffatt, or which may be in itself such an improvement that we may venture to rest content with it. I must, however, call attention to the cause of the failure of all the attempts which have been made to amend the law of bankruptcy. Wherever we find any law failing time after time, year after year—when the best intellects of the country are employed in endeavouring to amend it, and when we find that the more it is amended the worse it is—there is but one conclusion to be drawn from such a state of matters—that we have been going upon a wrong track altogether. Now then, looking at the bankrupt law, and the failures to amend it, and to the startling figures laid before us by Mr. Moffatt, to what other conclusion can we come than that we have been proceeding upon some wrong principle in our construction of the law itself? The gentleman who argued that because so many persons were taking advantage of private arrangements, therefore the public were perfectly satisfied with the working of these arrangements, forgot to tell us that the parties who are availing themselves of the law in this way are not the general public but the debtors. The purpose of a bankrupt law is not to enable men to whitewash themselves easily; and all that this argument amounts to is that the law has enabled men to get rid of their debts more easily, and that year by year, as it has been more clearly brought out how much easier it is to whitewash than to pay, the number of debtors who do so is increasing. The great increase has been entirely since the passing of the new law. Very well, assuming that there is something wrong in the principle of the law, is it possible to ascertain where our error lies? A bankrupt law is intended to answer two purposes—first to enable an honest but unfortunate man to relieve himself from the obligation of debt; and second, to punish those persons who contract debts fraudulently or improperly, and are unable to pay them. But upon what principles have we framed our bankrupt laws? Undoubtedly we give protection to the honest, but by that very process we give facilities to the dishonest. We throw the onus of proof of dishonesty upon the creditor. I look upon that as the wrong principle that is the source of all our difficulties. If I send my clerk to a bank with money and he comes back without it, and saying that he lost it on his way, I do not, before I call him to account, attempt to prove that he got the money; I call upon him to show that he lost it by accident, and not by carelessness or dishonesty. What is a debtor but a man who has obtained my goods and my property, and then turns round and says, "I can't pay you." I say that the law ought to call upon him to say why he cannot pay for the goods, it ought to throw upon him the onus of proving that it was misfortune and not fault that deprived him of the means of payment. We know that the honest men in bankruptcy are but a fraction of the whole. Then I say let us amend the bankrupt law by altering the condition on which a man shall be allowed to obtain his certificate. Instead of throwing upon the creditor the

burden of proof that the bankrupt is prevented from paying his debts on account of dishonesty, let it be provided that no bankrupt shall have the benefit of the Act until he proves distinctly that it is misfortune that compels him to come to the court. Unless he proves that, deny him all the privileges of bankruptcy. There is a difficulty with respect to the law which is now proposed, from which, after a good deal of consideration, I cannot see any mode of escape. How can the unfortunate or honest man be put in a different position from the dishonest trader? If the honest man is to be leniently dealt with, the rogue will be in the same position. If the proposed change in the law were made, we should have the honest man liable to be pursued by a single creditor, or by two or three creditors, and punished as effectually as the most fraudulent debtor could possibly be. I do not know how you could insist on a dividend of at least 6*s*. 8*d*., unless all debtors are to be put on the same footing. Credit must continue, and if that is the case, honest men must be subject to losses, and must suffer from the losses of others. Are we to give them no protection whatever? Are we to pass a law providing that for six years they shall be subject to be pursued by any one of their creditors? Then, it is said, make a more stringent law of fraud, and punish it in that way. But what follows? If you make a more stringent law for the sake of catching the dishonest, you punish the honest also. On the other hand, if you relax your law for the sake of protecting the honest man, that same law would make a loophole for the dishonest. I venture to suggest that we should require the bankrupt, before being entitled to any protection, to prove that it was by misfortune, and not by improvidence—which is another name for fraud—or by any fault of his own, that he has found it necessary to appeal to the court. If the debtor makes out a case of misfortune, let us deal with him most leniently. On the other hand, I should be sorry to see abolished a court of bankruptcy, or some equivalent court, having power to punish fraud in a debtor, or improper conduct which does not amount to fraud, and which is yet a great moral and social wrong. It has been suggested that we should leave this matter to the courts of common law. Now I am a common lawyer, and I say that the law of fraud is so delicate and difficult that you could not deal with such cases in the courts of common law. It has been attempted over and over again to amend the law of fraud so as to bring it to bear, if possible, upon cases of this kind. The most sagacious men have considered it, and have utterly failed; for this reason, that it is impossible to draw an accurate line between breach of trust and positive fraud. There are many offences by debtors which never could by any definition be brought in as frauds, but which are a great wrong to the creditor. Take the ordinary case of improvidence, or of a man not keeping accounts—which is a duty binding upon men taking the goods of other people. This then is what we ought to do. We ought to relieve the honest man who proves that he is honest, and punish the dishonest man who cannot prove that he is honest, by more or less refusing protection to him; and if his conduct amounted to anything of the nature of fraud he should be liable to imprisonment. I should prefer these cases to be investigated by a judge rather than before a jury. It is only to the decision of a judge that I would entrust, first the discharge of an honest man, and then the punishment, more or less, according to the amount of his delinquency, of the dishonest bankrupt. I believe that, by abolishing a good deal of the machinery that now exists, and by adopting the principle to which I have referred, we might carry out a great reform in the present bankrupt law, by means of which it would be made to work exceedingly well.

Mr. Robert Wilson: The Scotch system has answered excellently, so far as concerns bankruptcies in which the debtor does not act to the best of his ability in assisting the distribution of the estate. On the other hand, the law in Scotland is extremely defective, in not adopting our system of private arrangements. Several witnesses showed that all bankruptcies are what are called hostile bankruptcies, carried through in a judicial manner, whereas in England the tendency is to carry out settlements more and more by means of private deeds of composition. It seems to me that if the property of the bankrupt belongs entirely to the creditors, and if that involves the principle that the majority of the creditors should bind the minority, the creditors should manage the estate from the beginning in the way that they think best; but you could not do that if there was no bankrupt law, because the great difficulty is that you want some test of

insolvency—you want some means of stopping litigation and all inconvenience before the property gets into the hands of the trustee. What we want, therefore is some simple tribunal, to which either the debtor, if he is an honest man, or the creditor, if the bankrupt is not an honest man, should be able to go and get a meeting of creditors called together without any delay. According to the present law of England, we must have a deed signed by a certain majority of the creditors and the effect of that is that there may be a delay of about a month, during which the debtor has to play at hide-and-seek to save arrestment. If we are to go on the principle that the property of the bankrupt belongs to the creditors, and on the principle that the majority of the creditors should bind the minority, that involves the power to the creditors as a body of dealing with the bankrupt. You cannot say that the creditors shall act as a body in the administration of the estate, and that each individual shall have the power of proceeding oppressively against the bankrupt. I think it must necessarily follow, from any principle of bankrupt law, that there should be some sort of discharge, and that without reference to the question whether a man has been able to pay 6*s.* 8*d.* in the pound or not. There can be no test of honesty more inadequate than that. A dividend of 6*s.* 8*d.* may be perfectly consistent with gross fraud upon the part of the bankrupt, while in other cases a man may not be able to pay a penny, and yet be honest. I agree with the remark that our recent experience goes to prove the utter failure of judicial discharge, and I think that we must go back to the old principle that the creditors should give the discharge. I think that we ought to go back to the law before 1832 in that respect, and say that a certain majority of the creditors should be able to discharge the bankrupt. No doubt sometimes great inconvenience might result from that law, and we might hear now and then of men being bought up; but anything is better than the law as it now stands. One principle which has been referred to is a very good one, if it could be carried out, but I do not see how it can. I refer to the suggestion that the law ought to prevent a man going on after he is insolvent. If it is possible to put a pressure upon bankrupts, so as to compel them to stop carrying on business sooner than they do, it is very desirable; but I do not see how it is to be done. When it is said that men who are unable to pay their debts are morally bound to do so when they become able, that is true; but if we were to carry out that principle in such a way that a man shall not go into business again, and shall have his debts hanging over him for six years, I think you would be doing an injury not only to the individual, but to the nation. It seems to me that a feeling of justice, as well as of mercy, to debtors, leads to the conclusion that the power of discharge is just as necessary to be given to the creditors, as a good mode of distributing the assets of the estate.

Mr. G. W. Hastings: I have taken part in former discussions upon this question, and when I look back upon what has happened I see no ground to regret the opinions which I expressed eight years ago. In 1857, at Birmingham, I moved a resolution in favour of adopting, as the ground-work of an improved system, the Scotch law of bankruptcy. I was laughed at; I was told that the Scotch system was an absurdity, that I was a mere theorist, and other things which are said of everyone who proposes anything new, or anything opposed to that which a number of people have an interest in maintaining. But time has gone on, and now we have a formal inquiry into the subject by the House of Commons, and a report founded upon that inquiry, which carries out the conclusion I ventured to propound at Birmingham. I then spoke from some experience, for I had been to Scotland and had there acquired an accurate knowledge of the whole working of the system of Scotch bankrupt law. I had been much impressed with the pretty general content exhibited towards the law in that part of the kingdom, as contrasted with the dissatisfaction existing in England. Now mercantile transactions are substantially the same all the world over, and it seemed to me that if the bankrupt law of Scotland was so satisfactory to the shrewd and hard-headed men of business north of the Tweed, it would be likely to be satisfactory also to mercantile men elsewhere. I found that there were two principles at the bottom of the Scotch system. The one was what has been so clearly brought out by Mr. Moffat in the report of the Select Committee of the House of Commons, that it allows the creditors to manage their own affairs. It considers the property of the bankrupt

to be the property of the creditors from the moment of sequestration, and leaves the creditors to manage their own property in their own way. Then comes in another principle, that the bankrupt law is administered through the ordinary tribunals of the country, and principally through the local courts. The resolution which I proposed at Birmingham was to the effect that insolvent estates should be wound up and the assets distributed by trustees chosen by the creditors, and further, that when recourse to the law was necessary, the County Court was the fitting tribunal. I believed then, and I shall believe to the end of my life, whether it is carried out in legislation or not, that the adoption of these two principles is the key to a bankrupt law which will be moderately satisfactory to the mercantile community. I do not believe you will ever be able to make a bankrupt law quite satisfactory, for this reason, that everybody connected with a bankruptcy is more or less under a feeling of irritation. The winding-up of a bankrupt's estate means loss of money by the creditors; it probably means that they have been deceived, or that they have miscalculated in their mercantile operations; and when men are brought together in a state of ill-humour with the subject in hand, they are not predisposed to look upon the machinery employed with a favourable eye. You will find, therefore, in all countries a certain amount of dissatisfaction with the bankrupt law, but the dissatisfaction in any other country is not to be compared with that felt in England. If no other argument could be used against our present bankrupt law, I consider it quite sufficient that it creates such wide-spread dissatisfaction amongst the whole community. It is a great evil in itself to bring the subjects of the realm into a state of chronic discontent with the law, to make them hate the law, and regard it as their enemy. If nothing else can be done, I would rather abolish the bankrupt law altogether, than continue to hear the observations which are made by mercantile men on the law of the land. I would now say one or two words upon the working of the bankrupt law in Scotland. The great difficulty which I have always heard urged—and I quite understand why people have urged it—against the adoption of the Scotch system, has been this. It is said—"Under the Scotch system the creditors meet together and elect a trustee who winds up the estate; and by advocating the adoption of that system in England, you just want to go back to the system before 1831, the old assignee system, with all its abuses." Now the fact is, that the Scotch system of trustees is practically not the same at all as the old assignee system here, and I will tell you where it differs. There is in Scotland, and notably in Glasgow, in which the great bulk of the wealth and mercantile interest are concentrated, a class of men who are peculiarly fitted to act as trustees. They are not only educated as accountants, but also to some knowledge of the requisite branches of law; they are compelled to prove their qualifications, and they have a kind of moral supervision exercised over them. I refer to the existence of a chartered body called the Faculty of Accountants. It has a regular organisation, and no man is allowed to enter the body without passing an examination, which not only compels him to be a good accountant, but also ensures that he is conversant with those branches of mercantile law with which he will come in contact in pursuing his profession. More than that, if a man so admitted into that body misbehaves himself by malversation of any kind, he is liable to be ejected, he loses entirely his moral position, and to a great extent the capacity to be elected as trustee in a bankruptcy. I do not say that a man cannot be elected a trustee, unless he belongs to this faculty; but others are rarely elected; it is considered as a guarantee of the qualifications and respectability of the trustee that he is a member of that body. I hope that if Mr. Moffatt's views are embodied in legislation some efforts will be made to introduce bodies of that kind here, and then creditors in England would be able to lay their hands upon men to whom they could entrust with perfect security the conduct of bankrupt estates. Then there is also in Scotland that admirable system of inspection, by means of a general accountant in bankruptcy, of all sequestrations. Regular reports and statistics are sent up by the trustees, and the accountant can interfere at any period if he believes that there has been malversation. If those persons who object to give the whole power to the creditors on the ground that it is a return to the old system, would study these things as they exist in Scotland, they would find that there is really no force in their objection. Although my resolution at Birmingham was defeated, and although

I did not succeed in inducing the Bankrupt Law Committee of the Association at that time to recommend the Scotch system in its entirety, a great deal of it was embodied in the bill promoted by this Association, which was introduced by Lord John Russell. That bill is in existence, and it stands as a reply to the observations which I have heard made upon it. I have heard it said that the Committee of this Association was the means of bringing in the bill of 1861. Now what is the fact? Our bill really hits many of the points on which we now hear complaints so urgently made. If anybody will compare it with the Act of 1861 they will see that hardly any one, if one, of the mischiefs brought on by that Act would have been caused by the measure we proposed. What was the history of that bill? It was prepared by a special committee appointed by the Association, composed of merchants and lawyers, among whom were representatives of nearly every Chamber of Commerce and Trade Protection Society. Its provisions were founded on the information of men practically acquainted with the subject, and were framed with the aid of experienced counsel, to meet the exigencies of the case. It was introduced into the House of Commons in 1859 by Lord John Russell and Mr. Headlam, and read a second time, when the dissolution of Parliament stayed its further progress. The formation of Lord Palmerston's ministry, which took place shortly after, deprived us of the two members who had charge of the bill, and the committee therefore sent a deputation in November, 1859, to Lord Palmerston, to lay the bill before him, to state how much it was approved by the mercantile community, and to ask that it should be taken up by the government. Sir Richard Bethell, the Attorney-General, was present, and promised to introduce our measure. That promise was redeemed in this fashion. The Attorney-General brought in the bill, and it was carried to the second reading; but then he turned round and said, "I must have a bill of my own, prepared by my own draughtsman." He accordingly had one prepared, which embodied, I believe, more blunders than any other which has been proposed on the subject. It was drawn by a gentleman who was so fortunate as to know nothing of the bankrupt law, and who consistently ignored every one of the complaints of the mercantile classes. That was not the bill which became law. The objections made to it were such that the Attorney-General was obliged to withdraw it; and he had another prepared, made up partly of ours, partly of the production of his own draughtsman, and partly of his own suggestions, all revised by himself with a great deal of hard labour and astuteness; but all his exertions were not sufficient to overcome the original vice of the measure, which was that it had been compounded of two bills without adopting the principle of either, and without consulting the commercial bodies, which is the first requisite in commercial legislation. That bill passed, and its results are known to you all. It is a brilliant example of the customary mode of legislation. I am glad that a Committee of the House of Commons have investigated this subject, and have been getting information from the right quarters. They asked where the shoe pinched; they asked what are the errors of the existing legislation, and they proceeded to inquire if there was any better system in existence. I do not agree with the whole of their report, but it goes in the right direction. I do not say that if carried into effect it would make your bankrupt law entirely satisfactory. I doubt whether any system of bankrupt law would be entirely satisfactory; and, theoretically, I am inclined to agree with Mr. Hawes that we might be better without a bankrupt law at all. But that is a point we need not discuss, as the legislature is not going to do away with that law, and therefore the question is, in amending our bankrupt law what is the best principle you can adopt? In reply to this question I am glad to be able to say precisely what I said in 1857 in Birmingham, that the principle on which to go is, in the first place, to give the creditors the power of dealing with their own property, trusting to their acquaintance with their own interests, that they will administer the estate to the best advantage; and in the second place to give every facility through local tribunals for making the intervention of the law, when that becomes necessary, prompt and effectual.

Mr. C. W. Ryalls thought that the provisions of the existing Act relating to deeds of arrangement were not such a failure as was generally supposed. The only objection to these deeds of arrangement seemed to be the uncertainty

which attends them in consequence of their validity being so often questioned; and a system which would remove this uncertainty would make these arrangements more popular. This might be secured by referring the question of the validity of the deed to the district Court of Bankruptcy. Let a certain day be appointed when the deed might be submitted to the court, and when the creditors might be at liberty to appear to urge any objection which they might have to the deed. If these objections were held valid, creditors might immediately enter into another arrangement. If, however, the deed were held good, the judgment might be held binding, without being liable to be questioned in a court of common law. This system would have other advantages. One would be that the question would be decided by a better court for the investigation of fraud than the superior courts of common law; and another that it would be settled by a local and accessible tribunal.

Mr. Bissington, Leeds: I represent the West Riding Trade Protection Society. I was present at the meeting in Birmingham in 1857, to which Mr. Hastings has referred, when the best bill ever framed—the bill afterwards introduced by Lord John Russell—was originated. When commercial men complain of the present Act they are told it was their own measure, and that therefore they are to blame for the present state of the law. That is not so, and I hope that the able statement which Mr. Hastings has made, and which is the truth, will go forth to the public, and be distinctly understood. I am acquainted with the opinions of the Associated Chambers of Commerce, and with those of the Trade Protection Societies, and I believe I am stating the sentiments of these bodies when I say that the adoption of the Scotch law, with certain modifications better adapted to England, would be the best possible foundation for future legislation.

Mr. Bathgate, Trade Protection Society, Edinburgh: In my opinion it would take away from the value of any measure if it abolished the power of imprisonment for debt. We have that power in Scotland, and I do not see why you should abolish it in England, if the Scotch system is to be followed. I regret that the Accountant of Bankruptcy in Scotland is not able to be here. He has recently written a report in which he says that if the clause abolishing imprisonment for debt were extended to Scotland it would give a rude shock to credit. "England," he says, "may be differently situated in this respect, but there is a salutary fear of imprisonment which works wonderfully in Scotland." It has been suggested that the bankrupt should pay 6*s.* 8*d.* in the pound, or not get a discharge within six years. I think it would be a great hardship that an honest debtor, after giving up his whole effects to his creditors, could not get his discharge until six years passed over his head; and I, for one, would not agree to any such proposal.

Mr. Moffatt, M.P.: As regards the trustee in Scotch bankruptcies, Mr. Hastings has clearly shown that such a trustee is essentially different from the official assignee. A principle was announced by Mr. Hawes with regard to compositions which startled me extremely. In his view of compositions it would apparently be quite right for the debtor to keep as much of his estate as possible; but I have always understood the theory and principle of a composition to be that the creditors took all the assets which the debtor had, but that the debtor was left with the good-will of his business,—that the debtor found friends to enable him to carry on his business, but that he gave up his assets to the last shilling. A challenge was made that the returns I have given you were worth very little, because they did not include the statistics of insolvency. I regret I have not here the statement which I made when I first brought this question before the House of Commons, which showed the results of bankruptcy for two or three years prior to 1861, adding to them the number of cases of insolvency, and the amounts involved under that head, and showing what had been the operations of the Bankrupt Act of 1861, taking two comparative years. Those figures would thoroughly bear out the line of argument which the figures I have adduced to day are calculated to support. Prior to 1861 there used to be about 1,250 cases of bankruptcy in a year, and about 1,400 cases of insolvency, or about 2,650 in all; and the new cases in bankruptcy are about 7,000 in the year, so that it is altogether a mistake to charge any unfair use of the figures in the

way in which I have applied them. As to what has been said about America, it is quite true that there is no Federal law of bankruptcy in America; but then it must be borne in mind that almost every state in America has some law of bankruptcy or insolvency of its own. It was said by Mr. Hawes that it would be utterly impossible for an accountant to inspect several thousand cases of bankruptcy; but he forgets that if we abolish the Act of 1861, there will then be only two or three thousand cases of bankruptcy in which the skill of the accountant will be called into operation. Then it has been stated that the fact that deeds of arrangement are so largely resorted to is a clear proof that they work admirably; but the real explanation of the large number of deeds of assignment is that everybody shrinks from the Court of Bankruptcy, and people prefer to take these deeds rather than get nothing. Mr. Cox said that there should be some means of distinguishing between an honest and dishonest debtor; and he stated the extreme difficulty of defining fraud or of obtaining convictions on any accusation of fraud; but the suggestion I have made as to the payment of a dividend of at least 6*s.* 8*d.* before the debtor could obtain his discharge within a period of six years would be the best safeguard to the creditor against fraud, and the best inducement to the debtor not to be guilty of fraud. If you make it the inducement of the debtor to lay immediately a statement of his affairs before his creditors, and give them the option of acquitting him, that will obviate the necessity for any accusation of fraud almost completely. It may be quite right to have a Court of Appeal, but if you withdraw the inducement of the debtors to trade after they have become insolvent by rendering them liable in their after-acquired property, your Court of Bankruptcy, improve it as you will, will have comparatively little business, as the majority of creditors will rather take a small dividend at once than wait for a larger but uncertain gain. One gentleman agreed that the whole of the estate of the bankrupt should be given to the creditors, but said that it followed as a matter of course that the majority binds the minority. That does not follow as a matter of course. If they choose to acquit him they may do so, if not he remains liable. We have heard of some terrible cases of oppression from the operation of this rule of the majority binding the minority. I have heard of one case where the whole of the creditors were secured excepting one. Those whose debts were secured proved the amount of their claim irrespective of their security, and they were all in favour of taking a small composition, while the creditor whose debt was unsecured was against it. I am not responsible for the 6*s.* 8*d.* proposal, but I am so for the opinion that no debtor shall have any inducement to carry on business after he knows that he is really insolvent, by having the power to compel an acquittance in full from his creditors. The more you think upon the question, the more you will see that that is the point you will have to settle before you get any satisfactory solution of the law of debtor and creditor.

Mr. Miller, Nottingham, thought that to abolish the power of imprisonment for debt would do a great injury, the knowledge by debtors that there is a power to imprison them having a strong influence, without that power being put into force. The proposals of Mr. Moffatt, or rather the report of the Select Committee, would do away with one valuable provision which is now in force, the power of arresting an absconding debtor. In these days of emigration many debtors leave the country, and under the proposed law they could get away and take the property of their creditors without any power to interfere. He was also of opinion that if the law required that debtors should pay 6*s.* 8*d.* in the pound, they would not carry on their business any longer than they found they could pay 6*s.* 8*d.* This would prevent carrying on trade years after they knew that they had become insolvent.

EXCLUDED EVIDENCE.

In addition to the paper by Dr. Waddilove, printed at p. 133, Mr. G. J. Holyoake read a paper which dealt with evidence, excluded through conscientious inability to take an oath. The

following is an abstract of the paper :—Christians having a "religious" objection to the oath can make affirmation, but those who are not Theists and have a secular objection to the oath as implying a faith they do not hold, cannot make affirmation at all. Those who believe in the creed upon which the oath is based, are not obliged to take it, if they have some slight doctrinal objection to it, but those who cannot believe in the creed at all, are obliged to take it or are denied justice. In the higher courts the oath-taker is obliged to swear upon the New Testament, the truth of which he is, by that act, assumed solemnly to admit, and he is required to believe in a God who will punish perjury in this life. On the magistrate's bench the oath is a larger, clumsier, and more degrading instrument. At Quarter Sessions a witness may be questioned and denounced, and to scruple about taking an oath, is a wanton perversity and a misdemeanour, punishable with imprisonment at the pleasure of the court. A man who doubts either the truth of the Bible, or the existence of an avenging Deity, however sincere his doubts may be, must lie in the presence of his neighbour, or be dismissed from the court as one incapacitated for promoting the ends of justice. There were two classes of persons, the writer contended, who might decently, and ought fairly to be exempted from the rule. First, the class who consider that the hateful consequences of lying are inseparably connected with its commission ; that there is personal infamy in the very act ; that its punishment has commenced in the degradation of the mind in which it is possible ; and that it is libellous of the moral government of the world to suppose otherwise. Of this class are the men who maintain that it is insulting God's majesty to believe that He personally assists magistrates and policemen in ascertaining the truth as it is in petty larceny or street brawls, by engaging to issue celestial execution on common liars. Of this class was that intrepid and right-minded Lady, who, a short time ago, refused to be sworn to prove a debt of £15, saying —"I will give my word, but I will take no oath. I think it would be a desecration of God's name in such a case ;" and was ordered by the pious County Court judge to leave the court "as a sad example to those in more humble stations in society." The second class who should be exempted are—Atheists or those who believe that human faculties can but inform us of what is, and not why it is, or how it is, and having endeavoured to found religion on theological principles, have failed. They do not deny that God is ; but, not understanding whether he be a personal or impersonal entity keep a reverent silence upon what they do not know. Such men are not unmindful of the truth, it is with them not only a point of honour ; it is also a point of interest. Knowing that society cannot exist without justice, and that justice cannot proceed except upon truth, the Atheist is jealous of its infraction, not only as a sin, but as a danger. But for that very reason he shrinks from taking an oath, for in the very act of taking it he tells the lie which he abhors. The writer proceeded to show, by a number of recent cases in our

courts, that the present position of persons belonging to these two classes is one of great hardship and injustice. They must either resign their rights or their conscience, for they are not allowed, as the Christian objectors to an oath, to make a simple affirmation. If they decline the oath, they are treated as utterly unworthy of credit, and are, in fact, at the mercy of all who like to ill-treat, rob, or insult them. For such persons it is not unreasonable to claim the simple justice of conceding to them the privilege of the Christian objector to an oath, and relieve them from their equally conscientious objection to taking it. The same affirmation, attended of course with the same civil penalties for its violation, should be allowed to both, and would certainly be as binding upon both.

DISCUSSION.

"Is it expedient to Remove any and what of the remaining Restrictions on the Admissibility of Evidence in Civil and Criminal Cases?"

Mr. Cox, Recorder of Falmouth: Differing entirely from the conclusions of my learned friend, Dr. Waddilove, as to the desirableness of the admission of prisoners as witnesses, I wish to state the arguments upon the other side of that question. The arguments of those who contend that it is desirable to admit prisoners as witnesses are of two classes. They base the demand first upon a question of reason and argument, and second as a matter of expediency. I will take first the view which they put of it as a question of abstract reason and argument. They say, "The object of a law is the dispensation of justice and the ascertainment of the very truth of the case." We have found in civil cases that the attainment of the very truth is best advanced by having before us all those persons who can throw light upon the truth, making all persons competent; leaving it to the sagacity of the jury or the judge, aided by the test of cross-examination, to ascertain what is the value of the evidence so given. This," they say, "has been found highly conducive to the ascertainment of truth in civil courts," which I am quite willing to admit. But they go on to say—"If truth is advanced by this course of procedure in civil courts, why should it not be also adopted in the criminal courts; your end is the same, why do you take different means to secure its accomplishment?" Now upon that point I join issue. I say the end is not the same. In criminal cases the object of a trial is not the same as in civil cases, according to the law of England. In a civil case the object is the ascertainment of the very truth of the case, and the doing of justice between two parties. In a criminal case the question which the jury has to decide is not whether a man is guilty or not, but whether the prisoner has been proved to be guilty or not. Now that is all the difference between a civil and a criminal case, and therefore I say that in criminal cases you have one question only to try, whereas in civil cases you have to consider a balance of evidence and ascertain the very truth of the case. That makes the precise distinction between the two cases, and is the reason why I come to the conclusion that it would be unsafe and unjust, according to the law of England as it stands now, to make prisoners competent to give evidence, because I submit that if you make them competent you must also make them compellable. I now come to the question of expediency, and here I feel a great deal more difficulty. I feel, from my own experience, that there are a number of cases which can be adduced, and that strong facts can be brought forward, tending to show the expediency of admitting prisoners as witnesses. One case has very recently occurred (Madame Valentin's case), which goes far to show that there are strong reasons of expediency in favour of that view. The prisoner in that case having previously, by her oath, convicted a man, was in her turn tried and convicted for perjury, so much against

the opinion of the judge that, on his recommendation, she has been pardoned. Then there was the well-known case of Hatch, and all who have had experience in criminal courts must be aware of cases constantly occurring in which it would be desirable to have the evidence of the prisoner. But the question is not merely whether certain cases do occur now and then in which it would be of advantage to hear the evidence of the prisoner, but whether, upon the whole, the ends of a criminal court are not better secured by refusing this privilege to criminals than by giving it to them. It is undoubtedly an advantage to innocence in certain cases, but there are often cases occurring in which it would, even to an innocent man, be disadvantageous, though probably, taking all innocent cases together, more would be benefited than would be injured by it. But let us see how it would work in practice. A prisoner is upon his trial, and let us suppose that the facts against him are pretty strong, forming grounds for suspicion, but not enough to convict him. In the present state of the law the case goes to the jury, and the counsel for the prisoner, or the judge in summing up, would say to the jury—"Gentlemen, there are strong facts against the prisoner, but it is not your duty to convict upon suspicion, however strong; you are bound, before you can convict a man of a crime, to be satisfied that he is proved guilty of the crime by evidence." But the effect of the proposed change in the law upon such a case, would be that the counsel for the prosecution might say to the jury, "These circumstances form a strong ground of suspicion against the prisoner; if he is innocent, he can put himself in the witness-box and explain them; if he does not give that explanation, you know what conclusion to form in your own minds." Whether the counsel for the prosecution, or the judge in summing up, made any remark of that nature to the jury or not, they would know that the prisoner could put himself in the witness box if he pleased, and if the prisoner did not choose to enter the witness-box and explain the suspicious circumstances against him, that fact would weigh upon the minds of the jury and he would be convicted. It may be said of such a case. "Well, justice would be done, a guilty man would be convicted, and therefore the object of the criminal law has been gained." But it must be kept in mind that this would be a practical abrogation of the existing law, which says that a man shall be convicted by evidence, not by suspicion. Before, then, you can make this proposed alteration, you must destroy the principle upon which the criminal law of England is at present founded. I do not say whether that is right or wrong—there may be doubts whether the principle of the French criminal law is not better than ours, that principle being the ascertainment of the truth. But suppose the prisoner did put himself in the witness-box, he would be subject to cross-examination, and if he was guilty, undoubtedly you would further the ends of justice; because in the course of cross-examination he would, in all likelihood, say something that would lead to his conviction; on the other hand, you would seriously endanger an innocent man by putting him in that position. It is all very well to say, "An innocent man can protect himself; the more you look into his case the more an innocent man will be seen to be innocent." That is not the case; and the reason of it is this, that no man is ever put to trial upon a criminal charge without strong facts against him. Now suppose such a man, with a great number of facts and circumstances telling most formidably against him, to be perfectly innocent; and that he is put in the witness-box. In the course of the cross-examination the facts which tell most strongly against him are brought out strongly, and in the reply, any man with experience as a prosecuting counsel would be able so to represent these suspicious facts to the jury, that it would be two to one that the man would be convicted. There is another difficulty attending it. In the case of husband and wife, if the husband is made competent as a witness, and also compellable—[Dr. WADDILOVE: No, not compellable.]—Well, if he is made competent you cannot make the husband competent without making the wife competent also. Well, if he is competent at the trial, the wife must be competent not only at the trial but throughout the whole proceedings, and long before the husband had exercised his privilege she would be competent for the prosecution as well as for the defence. In any case, between husband and wife, therefore, the prosecutor would be putting the wife against the husband. There is, however, an enormous class of cases

which, by a most unreasonable decision of the judges, has been brought within this exclusion. I allude to cases that come before the magistrates under the title of summary convictions. It has been decided that a summary case involving a penalty is of the nature of a criminal case. The practical effect of this decision is that there are not half a dozen cases in which difficulties do not arise. Cross summonses are taken out, and you cannot call the two parties to explain the case, and, as a general rule, you do not hear the truth on either side. This defect, which was never contemplated, might be remedied. It might also be advisable to remove the exclusion in cases of misdemeanour, such as assaults, in cases of perjury, and in all cases that savour of a civil action. But then comes the great difficulty—where are we to draw the line? The distinction between misdemeanour and felony is at present so perfectly irrational that no ground can be assigned why certain things can be called a misdemeanour and certain other things a felony. Now would it not be possible to get rid of all difficulty, by lodging in judges the discretion to give the power of examining prisoners and accused persons as witnesses if they thought it desirable? I have faith enough in the good sense of the judges, in their desire for justice, and in their fairness, to believe that if such a power were lodged in them they would exercise it fairly. I believe such a power would not be misused once in twenty years, and that it would only be used when, in the exercise of their discretion, they saw it desirable. The granting of such a power would prevent any abuse of the privilege, because formal application would require to be made to the court, and it would never by the prisoner or his counsel, unless it could be seen that truth would be promoted by the course; and I think that all the advantages which are desired are to be gained by my learned friend in that way, without being accompanied by the disadvantages to which I have referred.

Mr. Robert Wilson: Dr. Waddilove's paper may be summed up in three propositions. The first is, that husbands and wives should in all cases, civil and criminal, be competent and not compellable as witnesses. To that I agree, if we limit it to evidence of actions, and keep to the rule of law excluding evidence of words spoken by wife to husband, or husband to wife, as confidential communications. With that qualification, I agree to that proposition. The second proposition is, that in all civil cases the evidence of the parties shall be admissible and compellable. To that I agree partially and conditionally. At present there are two exceptions. The one is the case of breach of promise of marriage, and the other, actions in consequence of adultery, in which the evidence of parties is excluded. With reference to a breach of promise case, it certainly seems very unreasonable that the only two parties in the world who have any direct knowledge about the matter in dispute should be unable to give evidence. I think you ought to allow the parties in these cases to give evidence, but the evidence of the plaintiff, unless supported by some evidence besides her own, should not be sufficient for the purposes of legal proof. This would be adopting no new principle, for we have the same thing in prosecutions for perjury and treason. If it is considered objectionable to modify the law of evidence, we might accomplish the same object by modifying the cause of the action. It might be enacted that a promise to marry must be in writing in order to be binding. At all events, I think we should provide that the evidence of a plaintiff in cases of breach of promise of marriage should not be sufficient in itself for purposes of proof. Then there is the case of a proceeding of any kind in consequence of adultery, and Dr. Waddilove proposes that in such cases the evidence of the parties shall be admissible and compellable; therefore it is proposed that a husband should be at liberty to petition for divorce, and put his wife in the witness-box to prove adultery. Now I think we should remember that adultery in a woman is about as great a crime as she could possibly commit; and if you are to compel a criminal to give evidence in a case of that kind, surely we ought to go on to compel every criminal in every case to give evidence, which I suppose none of us at present are prepared to admit. So far with regard to civil cases. Then with regard to criminal cases, Dr. Waddilove proposes that the evidence of the parties shall be admissible but not compellable. Now I receive the proposition, but only after years of hesitation, and as the solution of one of the most difficult problems of law reform, and I do not receive it upon the grounds stated by Dr. Waddilove.

The first important reason to be urged in support of that proposition is that it will remove a very gross inconsistency in the administration of justice. Two persons have been alone in a railway carriage, and the one says that there had been an assault, while the other says there had been an attempt to extort money. Now we take the evidence of one of those parties, without reference to any question of comparative credibility, but merely upon the principle that whoever can speak first shall be heard, and the other silenced. On the principle of consistency, it may be argued with great force that you ought to admit the evidence of both parties or neither. And this inconsistency is not merely a theoretical one, for we have the cases of Madame Valentin and Mr. Hatch, where you have two persons convicted—first because a statement is true, and second because it is false. Clearly one or other must be wrong, and if, in the first trial, you had admitted both parties, the probability is that such an inconsistency could not have happened. Another argument in favour of the proposition is, that to admit the evidence of the parties would tend very greatly to discourage unjust prosecutions. A person may venture to prosecute, knowing that he or she will be the only witness; but it would be a much more dangerous speculation if he or she knew that the other party could be heard also. Then there is the strongest argument of all, which is that the admission of the evidence of the accused is necessary for the protection of innocence. It is impossible to deny that almost any innocent person whatever would gladly be allowed to give evidence on his own behalf. Of course there would be very extreme cases, in which a person of very bad character might be compelled to disclose circumstances which would prejudice him in the eyes of the jury. There may be cases in which the ingenuity of counsel would pervert justice; but, speaking generally, I am sure that any one of us accused of a crime would consider it the greatest possible boon to be allowed to give evidence on our own behalf. It is not so much evidence in chief that is of importance; it is cross-examination. If a person accused of crime can submit to the most searching cross-examination, and if no circumstance can be brought out to contradict his statement, the jury would in general acquit him. To admit the evidence of the accused would also tend to the conviction of guilt. If any guilty person refused to give evidence, the jury would say at once, "The man must be guilty;" and, if he comes forward, in nine cases out of ten he would convict himself. There is one other reason in support of the proposition, which is that to admit the evidence of the accused would afford the greatest possible satisfaction to judges, juries, and the public, in cases where a person is convicted on circumstantial evidence—especially in capital cases, so long as capital punishment is allowed to continue. Well, if to admit the evidence of the accused in a criminal case would tend to remove inconsistency in the administration of justice, to discourage unjust prosecutions, to exculpate the innocent, to convict the guilty, and to give satisfaction to judges, juries, and the public; it may be asked what more can we require? I answer that we require nothing more if the highest social object is the administration of criminal justice; but if, as I believe, the protection of individual liberty is a higher object still, then we ought to hesitate—not upon any mere technical ground of what the English law at present requires, but upon philosophical principles—we ought to hesitate to put any man, however bad he may be, into a position in which he shall be compelled to criminate himself. It seems to me to be the very first principle of individual liberty, that you must treat every man as innocent till the contrary is proved against him. If you give an accused man the option of giving evidence on his own behalf, you may call it an option, but it is really a compulsion, because no man against whom any *prima facie* evidence could be brought could withhold his evidence without virtually convicting himself. If he is guilty and comes forward to give evidence, he must come forward with the intention of committing perjury, and he would not be able to get through the cross-examination. I do not say that it is wrong, unjustifiable, or unnecessary to do this: but it seems to me to be a very great evil. St. Paul asked whether it were lawful to scourge a Roman who was uncondemned, and it is equally questionable whether an unconvicted Englishman ought, by any sort of pressure, to be compelled to an acknowledgment of guilt. I agree, after years of doubt and hesitation, with Dr. Waddilove; but I do so entirely on this ground, that it seems to

be necessary for the protection of innocence. All of us must give up so much of our own liberty as is required for the public good, and if you cannot protect an innocent man without putting the guilty man to an inconvenience, it is better that the guilty man should be put to the inconvenience than that the innocent man should be subjected to a grievous wrong. There is one point connected with evidence which is not mentioned in any of the two papers, but which I think is very important, and of a good deal of interest at present—I refer to the question whether we should not extend the privilege of confidence to the case of confessions made to ministers of religion. It seems to me that if ever we come to look at this question as Englishmen, and not merely as Protestants, we shall see that this privilege must be conceded. To a consistent Roman Catholic, confession is a necessity of his religion; and how can we pretend to tolerate religion, and yet in effect prohibit the exercise of it; and whatever you allow to one class of religionists you must, of course, allow to all others. The Church of England expressly recommends confession to a minister as an exceptional remedy for the relief of a burdened conscience, and we have lately seen an instance in which that exceptional remedy has, as it seems to me, been very usefully applied. I had intended, if Mr. Holyoake had not brought forward the subject, to say a word about the incompetency of an atheist. It is, of course, a very sad thing that any human being should be without belief in God, or a future state; but still if, in point of fact, a man is an unbeliever, surely it is very wrong that his testimony should be refused. As long as we receive the evidence of men whose life is a practical atheism, we ought not to refuse the evidence of a man who exposes himself to insult and obloquy by saying that he is an unbeliever.

Mr. G. R. Tennent: I may remind this meeting that it has all along been the law of Scotland in criminal procedure that the prisoner should have the last word. The course of procedure is this. The counsel for the prosecution has no opening. Evidence is first led for the prosecution; then evidence for the prisoner; then counsel for the prosecution addresses the jury upon the evidence; then the counsel for the prisoner addresses the jury for the defence; and then follows the judge's charge to the jury. Now it has been found to work well in Scotland that the prisoner should have the last word, and that the Crown should not be heard in reply; and I think it worthy the consideration of this Association whether it would not be a still further improvement in criminal procedure if you were to follow the practice of Scotland in that respect. It is rather a singular thing, not perhaps known to this meeting, that it has been always, until recently, a rule of the law of Scotland in criminal proceedings, that a near relative, such as a son, had the option of declining to give evidence against his father. I have repeatedly seen a witness placed in the box in these circumstances, at the assizes, and the judge told him solemnly, "You are not bound to give evidence here; you have the option to give it or not." In almost every case the witness gave the evidence; nor do I know any instance in which, when the witness declined to give evidence, either the counsel on either side, or the judge on the bench made any reference to the fact. It was viewed entirely as a matter of strictly legal form. Now it is going only one step further to give such an option to the accused himself.

Mr. Saunders, Recorder of Bath: I will confine myself to that which I believe is the great question we have before us, the propriety of admitting parties who are charged with crimes to give evidence in their own cases. Now I think the importance of this privilege or right has been very much over-rated. There is a vast difference between civil and criminal cases. In civil cases transactions are involved which are mostly performed in open day. This is not the case in criminal cases; crimes are not committed in the face of day, or in the presence of other people, but when men have an opportunity of committing them in secret; so that in ninety-nine cases out of a hundred the prisoner could only say, "I did not do it." If he has witnesses to show he did not do it, he can now call them. He is only debarred from giving evidence on oath at present. In ninety-nine cases out of a hundred he can only say he was not there, but was somewhere else; but he can say that now. No prisoner is debarred from giving his own evidence. Every prisoner is asked if he has anything to say, and he can then say what he chooses. The only difference in the proposed law would be that what he can

now say without his oath he would then say upon oath. [Dr. WADDILOVE: And cross-examination would follow.] Well, if he is to be subjected to cross-examination, in ninety-nine cases out of a hundred that would be to his prejudice. And we must not forget this, that in ninety-nine cases out of a hundred the accused is the real culprit, so that the result would very much be to the prejudice of the accused. The result of the change would be substantially this, that he would say upon oath very much what he now says without oath. And what man would believe that his word carried with it any greater degree of truthfulness merely because it was given on oath. In France and Belgium parties accused are not put on their oaths. I really do not see what practical utility is to arise out of this matter. There are, no doubt, some cases in which the present state of things operates to the prejudice of a man charged. For instance, where the only evidence against the accused party is that he is found in possession of stolen property, the man is very often convicted. The law says—and common sense bears it out—that if property is found in possession of a person who has no proper right to it he must he deemed to be the stealer unless he can account for having it in his possession. No doubt he is placed in a position of great hardship, but that wont be removed by enabling him to make his statement upon oath, which he now makes not upon oath. There is this difficulty, however, in our forms of procedure, and I wish to see it altered. If a person avails himself of a counsel he is not permitted to make his own statement, and the counsel is not allowed to make a statement which cannot be proved by evidence. In cases of this nature some judges have broken through the general rule. One such case occurred in a trial before the present Lord Chancellor of a man accused of theft. The judge allowed the prisoner though defended by counsel to make his statement, and it was so simple and truthful that the jury believed it, and he was acquitted. In another case of a Spaniard who was accused of a murder, the only circumstance against him was, that he was found in possession of goods belonging to the murdered men. He gave an account that he had met a party of gipsies, and they induced him to change clothes, and so he was found in possession of the articles. Upon an application to Mr. Baron Martin, though he said it was contrary to all precedent, after great consideration he allowed the prisoner to make his statement, on account of the importance of the interest at stake, and on the distinct understanding that it was not to be drawn into a precedent. Now the law ought to be changed in this respect. A prisoner should be allowed to make his statement of facts to the jury, and then have the assistance of counsel afterwards. And I think it would also be an improvement, as the last speaker has said, if the prisoner or his counsel were allowed to have the last word. As to the proposal to allow wives or husbands to give evidence for or against each other, I am very much opposed to that alteration. I think it would be a great violation of the confidence which is expected between man and wife. I agree with Mr. Holyoake that religious opinions, or the want of them, ought to be no ground for excluding men from giving evidence. That man who declares boldly in a court of justice that he has scruples as to the authenticity of the New Testament must not be considered a dishonest man. The man who can brave the odium which necessarily falls upon him on account of making such a declaration is a man who has some conscience. I would alter the form of oaths, by leaving out the words, "So help me God, the truth, the whole truth, and nothing but the truth;" let the man who takes that modified oath be subject to penalties as for perjury if he is guilty of giving false evidence. It is desirable that this disability should be removed, because it does not fall upon the right party. If I, a believer, bring an action, and have only one witness to prove my right, and he happens to be an unbeliever, I am deprived of my right because another man is an unbeliever.

Mr. G. H. PALMER: One of the strongest arguments in favour of removing the disabilities with respect to witnesses, which has been used is, that the grand and only object of all inquiries in courts of justice was the discovery of truth. I cannot agree with my learned friend, Dr. Waddilove, in the proposition which he adduces in his paper, that it would tend to the discovery of truth to admit parties accused of crime to give evidence at their trial. I think it is a mistake to suppose that even an innocent person charged with a crime could offer the best

testimony to prove his innocence. Persons placed in the witness-box to give evidence, even in a matter in which they are not personally concerned, especially if ignorant, uneducated, and unaccustomed to the forms of the court, frequently give their evidence in such a manner as to attach suspicion to their credibility. If that be true with respect to witnesses who are not personally concerned, how much more is it likely to be the case with a person charged with crime. If a prisoner at the bar were to decline to give evidence, and the jury knew that he had an opportunity of giving evidence, they would immediately say, "That man must be guilty, else why does he not explain the circumstances which tell against him?" The giving of evidence by the prisoner means cross-examination of the prisoner. But will it not be a most indecent exhibition if the counsel for the prosecution, in the discharge of his duty, were obliged to put questions to the prisoner in the dock—and especially if that prisoner is not defended by counsel—and put the questions in such a way that an ignorant man, called upon in a moment to give them an answer, would in all probability say something to damage his case in the minds of the jury? At present according to the humanity of our criminal law, no allusion can be made to a previous conviction against a prisoner. But consider what would be the result of this proposed change? The counsel for the prosecution would be bound to ask him if he had not been previously convicted. [Dr. Waddilove: I would confine the cross-examination entirely to the *res gestæ*, and the judge would prevent the cross-examination going beyond the charge on which the prisoner is arraigned.] Then in that case the great point as to the credibility of the prisoner is lost. You are calling upon us to put a prisoner in a better position than an ordinary witness, because we are very much more disposed to question the evidence of witnesses who have been convicted of perjury, and why should we not apply the same rule to the evidence offered by a prisoner if he has been formerly convicted of perjury? Dr. Waddilove says that fact should be kept back from the jury, but if your object is to ascertain the truth, then you would be stultifying yourselves as regards that proposition, because you would be keeping back from the jury one of the most important considerations with respect to the value of the prisoner's testimony. With respect to the other disabilities, we might perhaps safely go on in the way we have gone in recent years, in placing matters rather on the ground of credibility than of competency. I entirely concur in the view of Mr. Saunders, that it is entirely out of the question for us in these days to place any religious test as the rule by which we are to admit prisoners to give evidence. The time will come, and indeed the time has now come in regard to the best educated and most honourable members of society, when the word of a man is as reliable as his oath; for there are thousands of men whose words we would readily take if they were to reject an oath. The latter part of our oath is unnecessary and of no force. Let it be modified, and let there be penalties attached to the oath without the concluding words as they are to perjury; but let us take every man as a man, and test his evidence according to the principles of common sense, whatever his creed may be.

Mr. W. Seymour Teulon; I must dissent from the proposition laid down by the learned Recorder (Mr. Cox). He drew this distinction between a civil process, where the evidence of a party is admissible, and a criminal process, where the evidence is not admissible, that the civil case was a trial in order to elicit the truth of the case, while the object in the criminal case is not to decide whether a man is guilty but whether he is proved guilty. Now it is quite true that every prisoner given in charge to the jury is given with the charge that the jury shall try him according to the evidence produced before them, but the object must be to ascertain whether he is guilty or not guilty. The object of the trial is not to be merely a trial of skill as to what evidence can be brought forward; the object of the trial is really to ascertain the truth of the accusation—whether he is guilty or not guilty—and he must be tried by the evidence. And then comes the question whether the prisoner shall be allowed to give evidence. No doubt there are objections to allowing prisoners to be examined and cross-examined; but when the learned Recorder admits that, on the whole, it would be advantageous to the innocent, the very object of the trial is to ascertain the truth; and if the balance, as he allows, would be advantageous to the innocent,

the object of the trial is that the guilty shall suffer, and I think to that extent the learned Recorder has made out the case of Dr. Waddilove. With regard to the other points—on which Dr. Waddilove is a very competent judge—relating to cases of divorce and breach of promise of marriage, I think there is little difference of opinion in the present meeting, and that the general opinion is in favour of the alteration of the law.

Mr. J. H. Raper: I wish to call attention to a point raised by Mr. Palmer. In the interests of truth, and for the protection of society, he would accept evidence from any quarter, whatever the creed or opinions of the witness might be; in other words, the intellectual or moral relationship to society of the witness he would not recognise, while at the same time he actually speaks against the recognition of a prisoner as a witness to aid us in eliciting truth. It seems to me as if he was quite satisfied that the mere fact of the man standing in the witness-box, being a prisoner, rendered it impossible to get at the truth through him. Now, if we eliminate from the inquiry any individual capable of giving evidence to elicit the truth, we certainly injure the innocent prisoner. In point of fact, if we have a good witness in the court he is in the criminal dock rather than in the witness-box; and if neither side can call him as a witness, we certainly limit our power of getting at the truth. The real question for our consideration is—What is the effect likely to be upon society at large, or is it likely to be a protection to society? I think that Dr. Waddilove's principle is in the right direction; and I also recognise the position taken up by Mr. Holyoake as one in the right direction; for it is really unsafe to exclude persons from giving evidence because of their religious opinions. I have no doubt that Mr. Holyoake referred to persons incapable of saying whether a certain religious opinion was true or false, but quite capable of saying whether a thing was blue or green. They may be insane on some points, but on other points they are quite capable of giving evidence.

Mr. Thomas Dunn: I am old enough to remember when the allowing a counsel to speak in favour of a prisoner was said to have been an uprooting of the constitution, and very damaging to the State. I am quite old enough to remember, when the alteration of the law took place in civil cases, we were told that great injuries would flow to society from that change. But society has not yet felt any of these injuries. For myself, I would agree to the examination of prisoners at once, were it not that we have it so engrained in our hearts as Englishmen, that if an offence is charged it must be proved. Whether that, like many of our habits, ought to be altered, I should doubt. It should be remembered that, at present, if a magistrate, having heard the evidence in a criminal case, makes up his mind to send the accused to trial, he asks him if he has anything to say; and if he has anything to say, his statement is taken down, but it is not made upon oath. If the case goes to trial, any statement made by the prisoner goes along with the depositions; but I am not aware that, whether he has made a false statement or declined to make any statement, it has any effect upon the minds of the jury.

Mr. Palmer: The statement is not necessarily brought before the jury at all, unless counsel for the defence chooses to put it in, and then he gives the right of reply.

Mr. Cox: The statement is not taken to his prejudice.

Mr. Dunn: That is the point I wish to come to. We are apt to look at what is done in France, where all our notions of English justice are outraged by the judge trying to get the prisoner convicted by his cross-questioning; but nothing of that kind can take place here, as the examination and cross-examination here must be made by counsel. Take the case of a man who had been convicted previously. I think the same feeling of fairness which now prevents that fact being brought up against the prisoner on his trial would restrain the bar from alluding to it, and also the judge from bringing it forward. I cannot make up my mind on the subject of allowing the accused to give evidence. If I were to express strongly all my feeling, I would say, no; but I think my intellect says it would be prudent to try it.

The Chairman (Mr. Forsyth, Q.C.): On some points I have a strong opinion; on others such opinions as I shall express will be under considerable doubt. Now,

on the general principle which has been enforced by Dr. Waddilove in his paper, I have no doubt at all; and I think that the burden of proof lies upon those who seek to exclude any evidence whatever which may tend to the elucidation of truth. I think that when we got rid, in a great measure, of the objections to the competency of evidence, and made the objections apply rather to credibility, in point of fact the principle for which Dr. Waddilove now contends was conceded. Most of us remember the time when the slightest amount of interest of a pecuniary nature rendered it impossible for a witness to give evidence, and we know the gross injustice that that rule of law produced. Then that was got rid of, and now other considerations of a different nature prevail excluding testimony; and the question is whether we have or have not been wise in giving weight to these objections. Not to take up your time long, I will, with your permission, very briefly go over the four subjects which Dr. Waddilove brought before you with reference to exclusion of evidence. First of all, with regard to the question of the exclusion of the evidence of the parties in cases of breach of promise of marriage, I confess it has long struck me as a gross anomaly in the administration of justice. In that very action in which perhaps alone it is possible to prove the truth by the evidence of the one party or the other, these parties cannot give evidence. I am inclined to think that in all cases of breach of promise of marriage each party should be allowed to give testimony, the jury always taking into account that a deduction is to be made from the credibility of the party, considering the question at stake. But there is a difficulty I have with respect to this part of the question, which was felt by the House of Commons, and which I have no doubt led to the rejection of Sir Fitzroy Kelly's bill; and that is the question whether it should be required that the promise should be in writing, or whether the mere oath of one of the parties—say, the lady—should be sufficient to obtain a verdict if the jury believed that. Well, I have come to the conclusion that the promise should be in writing. By the Statute of Frauds you know that you cannot recover the price of goods of the value of £10—you cannot recover under an agreement formed within a year unless you produce written evidence. Now, when you consider how much would be in the power of the woman who came forward by unsupported evidence to say, "That man made me such a promise on a particular day," with no written corroboration of that evidence, I think there ought to be a provision as to the promise being in writing. In such a case as that which I have just supposed, if the woman was young and good-looking, the chances are, as a speaker has observed, that there would be a verdict for the plaintiff. The speaker who referred to this spoke of corroboration, and he said that he would be inclined to admit parties, but that he would only allow the oath of the party with corroboration. But observe that this is just one of those cases where corroboration, in the ordinary sense of the word, would be of no use, if you have only the oath of the party. Because what is corroboration? Is a Sunday walk, or an admiring glance, or a little attention, to be taken as corroboration? There would not be a single case of an action for breach of promise of marriage in which you would not be able to have some corroboration, because no jury would give a verdict to a woman who said, "That man promised me marriage," and could not produce a soul to say that the parties had been very intimate, and that something took place which might be taken to corroborate the oath of the woman. I would admit the parties as witnesses in these cases, but as a safeguard I would require written evidence of the promise of marriage. With regard to the admission of parties as witnesses in suits of divorce for cases of adultery, I have no doubt that both parties should be admitted, but not compelled, to give evidence. I do not think that it would be right or proper that the husband or wife should be allowed to bring in one another to prove that which is a crime; and I think the ends of justice would be sufficiently attained if you allow each party to be a witness in his or her own cause, leaving the jury to make large allowance for the probability of each party telling a falsehood through the circumstances of the case. With regard to the other question, which has been most fully discussed of all—namely, whether we ought to allow the examination of persons who are tried in a criminal charge, I confess, although it is a difficult question, that I have come to the conclusion that in that point our position ought to be altered. I myself

think, as every person must think, that the great object of criminal procedure is not the mere protection of innocence, but the discovery of guilt; and I do believe that we put out of our hands a most effectual instrument for the discovery of guilt by refusing to allow a prisoner to be examined. Several of the speakers who have addressed you to-day have rested their argument rather on the ground that to allow the examination of the prisoner would be a protection to the innocent; but I am inclined to agree with the Recorder for Bath, that in that respect the change in the law is not so much needed, because at present it is in the power of the prisoner at any moment to make a statement. If the judge thinks that a statement by the prisoner will be of use to him, I believe that very few judges on the bench would refuse to let that statement be made, even though the prisoner is defended by counsel. But if there is any doubt upon this point, I would be disposed to alter the rule of law, so as to allow all prisoners to make a statement, even though they are defended by counsel. I would make an allowance in all such cases. I remember one case of a trial for murder in Liverpool, in which the circumstantial evidence against the prisoner was of the strongest possible kind. The prisoner in that case was defended by counsel, and when the prisoner asked to be allowed to make a remark by way of explanation, the counsel said to him, "For God's sake, don't do so, or you will hang yourself." But the prisoner was allowed to make his statement in explanation; the jury saw his demeanour, and the result of the prisoner's explanation was that he was acquitted. I remember that the judge who tried that case was the late Baron Alderson. I believe that to allow prisoners to make statements on their own behalf on oath would not only be for the protection of innocence, but that, through the cross-examination which would follow, it would also be a great means for the detection of guilt. I am not one of those who feel so strongly impressed with a tender regard for a person ultimately proved to be a criminal, as to be entirely opposed to extracting from himself the means of conviction, if it is only done in a proper and becoming manner. At present, if a man accused of a crime says, "I decline to make any explanation of these circumstances which are brought against me," and if the jury, from his so declining, infers his guilt, the jury would be doing their duty in convicting him. The great question is, how is the examination of the prisoner to be conducted? I have been in France, and attended the criminal trials in that country, and I confess that nothing is more shocking to one's sense of justice than to see the judges in France engaged, as if they were counsel for the prosecution, in angry altercation with the prisoner, endeavouring to show their own acuteness at the expense of the embarrassment of the prisoner, and actually smiling with triumph when the prisoner gets into a dilemma. I have actually seen in Paris a prisoner interrogated by the judge, and treated as if he were guilty, in presence of the jury, and before a single witness had been called into court. That could not happen, of course, in this country; but I should be very unwilling to see anything like a contest of skill between the prisoner and the judge. I think it must rest with the prisoner's counsel to decide whether the prisoner should be examined, and I think that might be done under the discretion of the judge so as to involve no great harm. With respect to the cross-examination of the prisoner, I would have the cross-examination conducted by the prosecuting counsel if the examination was conducted by the prisoner's counsel. In the case of a prisoner who makes his own statement, he might have the option of being cross-examined for the prosecution. But in either case, whenever a prisoner was cross-examined I would confine the cross-examination, as has been suggested, to the *res gestæ*. Mr. Palmer said that would be an alteration of the rule of examination, and that you ought to test the credibility of a prisoner, as you do that of every other witness, in the keenest possible way. But the cases are entirely different. If a witness comes forward in any case you ought to know whether he is truthful or not, and you test his veracity in all ways. If you break down his veracity, what follows? Simply that the party for whom he is giving his testimony loses a verdict; but if, in the case of the cross-examination of a prisoner who is giving evidence on his own behalf, you go into the man's past life to make out that he has been a poacher, you lead juries to the illogical conclusion that because he committed crimes formerly, he was guilty of the crime with which he stands charged. That is the

reason why, in the case of a prisoner being cross-examined, where the prisoner is defended by counsel, you ought to depart from the ordinary rule and confine the examination to the *res gestæ*. The other point which has been discussed is whether husbands and wives ought to be competent and compellable to give evidence for or against each other? On that question I differ from Dr. Waddilove. It may be illogical, but I cannot bring myself to contemplate with approbation the proposal that in a criminal case a wife ought to be allowed to convict her husband; and I believe that if, in the administration of the law, you found wives coming forward with evidence which would send their husbands to the gallows, or husbands coming forward to convict their wives of capital offences, our feelings would be so shocked, that instead of looking upon it as an improvement, it would be considered almost universally as a retrograde movement. It is a question of feeling, and it may be said that the opinion is illogical—that the wife ought to state the truth if she has seen her husband commit the crime, and that the husband ought to suffer; but I think that the feelings of the country would be opposed to that change. The only other question which has been brought before the section to-day is that which was raised in the paper of Mr. Holyoake; and it is difficult for me to express the absolute dissent that I feel with regard to his arguments. I believe that there is a great deal of misapprehension in Mr. Holyoake's mind with regard to the facts of the case. What our law says is this—If you, believing in a Divine Providence and a future state of retribution, have a religious objection to the taking of an oath, we respect your scruple, and we only ask you to make a solemn affirmation. And I think the law is perfectly right, because what the law says, and what our judges have felt, and what I believe the community at large feel, is that you want something more than the mere deterrent effect of the possibility of a conviction for perjury to get at the truth in many cases. There are many men who would face the danger of a conviction for perjury who, if they believe in a future state of retribution, would not peril their souls by telling a falsehood. I believe that Mr. Holyoake has inadvertently made a great mistake in his paper, where he says that, in the Halifax burgh court, in 1861, John Howard was sentenced to a fortnight's imprisonment for being an atheist. Now that is not the law, and never has been the law. The real facts of the case would be that John Howard came forward and refused to take the oath without assigning a reason, and that is contempt of court, for which he would be imprisoned. But observe, if a man says, "I am an atheist," the court then says "We cannot receive you." He is not committed to prison for being an atheist; for in reality the court says to him, "We won't have your oath; we cannot believe your testimony." I do not wish to detain the meeting longer than to express my entire dissent from the proposal of Mr. Holyoake; but I do it on this ground, that where a man comes forward and says, "I am a moral man; I am a truthful man; but I have no faith in a Divine Providence—I have no belief in a future state—I care nothing for the idea of retribution." I myself, for one, would be very sorry to have my life, liberty, and property, at the mercy of that man.

Dr. Waddilove, in reply, said: With reference to the remarks of the learned Chairman, as to the reception of the evidence of wives and husbands, it is very true that it would be a painful thing indeed for a husband or wife to be convicted by the evidence of one or the other. But there is another side of the question, and it ought to be kept in view that it would be a very pleasant thing to see the innocence of the husband or the wife established by the evidence of the one or the other. And how often does it happen that a husband and wife are together when a transaction takes place for which the husband or the wife may be subsequently charged, and nobody else is present, while suspicion is very strong against either of them; yet the husband or the wife, as the case may be, cannot come forward to say one word in explanation of the suspicion, or clear the husband or wife of the charge. It is, I think, very desirable that wives and husbands should not be compellable, but that it should be competent for them to give evidence. I would only put one question to gentlemen who have taken the opposite view to mine with reference to the admissibility of the evidence of the prisoner in criminal cases. I would simply ask them if they were innocent of a

charge, and that charge was pressed against them, whether they would not try to come forward to speak to their innocence? The guilty man would at his trial refuse to make his statement; and why would he refuse? Because he would know that his statement would convict him. The innocent man, on the other hand, would be most ready to come forward and try to establish his own innocence, and I do think that in our rules of law, we ought to look to the interest of the innocent rather than to the interest of the guilty.

Mr. HOLYOAKE: It is a very serious thing to make a profession that you cannot give evidence. You become an outlaw if you do so. Even if your own child is killed, you cannot appear to prosecute the person who did it. As one of the speakers remarked in the course of the discussion, the result of the exclusion of the evidence of parties who have a conscientious objection to taking an oath is often not so much any disadvantage to the person himself who is excluded as a positive disability falling upon the person who may, for the time being, need the evidence of the parties who unfortunately are in the position of being unable to take the oath. Mr. Tennent said that he was afraid we had gone far enough in the way of relaxing the oath; but I think those who object to our going further in this direction are bound to show why we have gone so far. There are very few persons who have any scruple about taking the oath on account of the words of Jesus, "Swear not at all;" and they are much smaller in number than those who say, "These terms of the oath imply a confession of faith which I do not hold; and therefore I cannot make a proclamation of that as my opinion if I do not hold it." Surely if the one class is entitled to exception we are entitled to claim exception also for the other class. As to the imprisonment of the pauper, I will explain. The man was an atheist, and he ventured to say so; and because he made that avowal he was not permitted to take an oath, and he was sentenced to a fortnight's imprisonment because he did not take the oath, and was thus guilty of contempt of court. There is no practical difference. One gentleman suggested that the phrase, "So help me God" should be omitted. Now if that phrase was omitted it would take away the sanctity of the oath altogether. I think it better that we should have no other form than the simple declaration that we are liable to the penalties of perjury if we give evidence untruly. But there are numerous persons in this country who are under a religious impression with regard to the oath, and then you would no doubt deprive the courts of a good deal of evidence which can be extracted in the form of truth if men are under the impression that they are giving their evidence in the sight of God, who will punish them. That would involve the religious sanction of the oath. I have not pleaded for that. I have only pleaded that where there are persons who have no unwillingness to believe in a future state of retribution—who are not in the criminal condition contemplated by the President in his remarks, but who are reluctantly on the side of those who disbelieve—it is better and fairer that they should be permitted to make an affirmation, than that they should be tempted to take an oath against their conscience; and if you say that the law shall remain as it is you say it is better that a man make a false declaration than that he should be an honest man and declare openly what his opinions are.

LOCAL COURTS.

"*Upon what principle should Local Courts be constituted, with reference to extent of jurisdiction and system of procedure?*"

In addition to the papers by Mr. Williams and Mr. Hall, printed at pp. 143, 155, a paper was read by Mr. Leppoc, which has been printed among the Sessional Papers of the Association in the "Journal of Social Science."

DISCUSSION.

Mr. ROBERT WILSON.—There is no doubt that the County Courts as they now exist, have earned for themselves a very great desert by their usefulness in the settle-

ment of small disputes among neighbours. A quantity of local business, involving small amounts of money, was carried away to London, very improperly; and all that was wanted was to get some sensible men to interfere between the parties and decide the matter in dispute, rightly if possible, but at any rate, quickly and economically. In that respect the county courts have been a great success. The question we have to consider is, whether their usefulness can be extended to cases where the parties live at a distance from each other, or where the cause of action is a valuable one. I think there can be no doubt that there would be an advantage in extending the jurisdiction, if it be possible to do so. There can be no question that the superior courts never can work so cheaply as their humbler competitors in the country. In these days, when all things seem to tend in the direction of concentrating authority in the metropolis, there is reason for amending any local institution that has worked well, merely for the sake of doing things in the country. Well, then, assuming that the local administration of justice is essentially economical, and that in these days of centralisation it is desirable to extend the jurisdiction of local courts as much as possible, let us inquire whether we can apply the machinery of our county courts to cases in which the parties live at a distance from each other, or where the cause of action is a valuable one. As to the inconvenience of parties residing at a distance from each other, we meet that at present by a clumsy contrivance in the superior courts, namely, by allowing the plaintiff to bring his action at any one of the superior courts, thus giving him the choice of the place of trial most convenient to himself, while the defendant is enabled, under certain circumstances, to change the venue to another court in another part of the country. Now, as this principle works well in the superior courts, why cannot the same principle work well in the county courts? Why cannot the plaintiff be allowed to go to the county court nearest to his residence or place of business, and bring his action there? If such a practice were introduced the writ would issue from the county court most convenient for the plaintiff, for service upon the defendant through the bailiff of the court in whose district the defendant may happen to reside. On the service of the summons in that way, the defendant might perhaps remit the debt, or he might offer terms, or write to say he would not pay; or he might neglect the summons altogether, and in that case the plaintiff might obtain judgment and execution by default. In all these cases the summons out of the county court would do just as well all that is done by writ out of the superior court, the only difference between the two being that the expense of the proceedings in the county courts would be reckoned in shillings instead of pounds. Well, suppose the defendant intended to dispute the debt, and desired to change the venue from the court in which the plaintiff had commenced the suit. In that case, just as the plaintiff went to the county court nearest his own residence or place of business, so the defendant would go to the county court nearest his residence or place of business; and the clerk of the court could prepare the application for change of venue, and transmit it to the other court; and all that might be done without even requiring an affidavit on either side. In order to make the practice complete I think there ought to be an appeal from the decision of the county court judge, to a judge of the superior court. This is the ordinary practice now in the case of any decision on any question of venue; so that I am proposing only to retain what is now the ordinary jurisdiction. I propose, in short, that every county court should have jurisdiction over the whole country, as I believe was proposed by your lordship long ago, and as also proposed substantially by Mr. Pitt Taylor to the Criminal Court Commission of 1854. We might suppose that under such a system any country tradesman might get into the habit of going at convenient intervals with his uncollected accounts to the county court nearest to him for the collection of those debts. But why should the plaintiff stop at a £50 debt? There is no more difficulty in collecting a debt of £500 than in collecting a debt of £50, if it is undisputed. No doubt the plaintiff should have the option of going at once to the superior court for each claim; and no doubt the defendant should have liberty to take the case to the superior court; but if the plaintiff is willing to carry the case to the county court, and the defendant has no desire to change the venue to the superior court, why should the law interfere? No doubt it is provided that if parties agree at present in writing to a change, they may do so; but

everybody knows that plaintiffs and defendants don't practically agree to anything. I propose, then, that the jurisdiction of the county courts should be unlimited as to place, and also unlimited as to amounts. In the third place, I propose that it should be unlimited as to matter of litigation. In questions of great pecuniary value, or in questions of character, or of titles to land, it may be quite true that the superior court should be the original court if either party chooses to resort to it; but if the plaintiff chooses to sue in a question relating to character or land in a county court, and the defendant is willing that the case should be tried there, why should the law interfere to compel them to go to London? Let the powers and jurisdiction of the county courts, then, be unlimited not only as to place and amount, but also as to matter of litigation; and if that were so, there would be no need of any technical schedule of particulars of the jurisdiction. It would be quite enough to say that every county court had power to redress every civil grievance. There might be special exceptions, and I think there ought to be such exceptions. For example, I would not allow any county court to have authority to issue an *ex parte* injunction. But it seems to me that, subject to certain exceptions, the jurisdiction of county courts ought to be commensurate with the range of civil justice. The object of this ought to be to introduce greater economy in the administration of justice, but a great collateral advantage which would attend it would be this. Do we not all desire to reduce our two great juridical systems into one of civil rights? Well, the best way of doing that is by bringing law and equity together in the primary tribunals. It has been said—and I believe with truth—that railways in India are tending to abolish the distinction of caste by causing members of different castes to mix together in the railway carriages; and so, if law and equity were compelled to sit side by side in our local courts, they could not long maintain an attitude of antagonism in the courts above. But we should not, in abolishing the distinction between law and equity, be handing over the administration of justice to the omnipotence of a single court—we should be introducing a new competition between the metropolis and the provinces. We should have two great juridical systems bidding against each other for the judicial business of the country, each of them endeavouring to show its superiority by greater expedition and economy. No doubt we should find out by experience the proper limits between central and local modes of administering justice. We should find that out by a sort of legal free trade, by allowing every litigant to buy his legal wares in the cheapest market. It may be urged by opponents to the extension of county court jurisdiction; "How can you make local courts ubiquitous, and yet make litigation inexpensive? If the parties live apart from each other, does not the expense and inconvenience of locomotion become a necessary incident in any court, whatever be the mode of trial—and will not large expenses be incurred where great interests are at stake, and accurate proof is needed?" In this respect I beg to differ entirely from my friend Mr. Williams. Is not some kind of written pleading an economical necessity; and if large interests are at stake, will you not have the employment of professional agents; and if they are employed, must they not be paid; and if you have a large extension of local jurisdiction, must you not have a corresponding extension of metropolitan supervision? "Where, then," it may be asked, as I was saying, "is there room for any great economy? Has not the highest legal intellect in the country been directed for the last thirty or forty years to the reformation of the civil courts? and is it not by direct contact with the superior courts that the local courts have become what they are?" "Why," it may be said, "should we seek to revive those local institutions which gave place to superior central tribunals?" If we wish to deal with these questions philosophically, we must not attempt to answer them empirically. If there is any large principle of economy inherent in the local method of administering justice, in which the central method of administering justice is essentially deficient—some principle that will reduce the cost of justice to a fraction of its present amount—then that principle can be defined, and we can judge of its capabilities. But if no such principle can be brought forward, then I think we should confine local courts to small local matters, and leave the superior courts to the undisturbed possession of the more important matters. Now it seems to me that there is a principle inherent in the local method of administering justice, and in which the central

method is essentially wanting, and one which would reduce the cost of justice to a fraction of its present amount; and with the definition of that principle I will conclude. Suppose any resident of Sheffield to bring an action in any of the superior courts; and that it is some action worth suing for, in which economy is not a primary consideration. At present there is provided for him, within very easy distance by railway, a local court of the best possible construction for the trial of his action, presided over by one of the best judges of the country, and provided at the expense of the state—a court, too, in which the procedure has been improved up to the highest limit of our knowledge of our judicial requirements, and in which nobody is overpaid. Well, supposing that trial to take place in this local court, and that there is a necessity for some revision of the local procedure, we have a mode of metropolitan revision of the simplest possible kind. If either party objects to the ruling of the judge or the verdict of the jury, application is made verbally to the court at Westminster to alter what has been done; and the court, on hearing what is said, speaking to the judge, turning to his notes, and hearing what may be said by either party, gives his decision. It is quite impossible that any local jurisdiction could be controlled by the metropolis in a more simple manner, because, unless new facts are brought forward, the whole thing is done by word of mouth. Well, where is it that there is a principle by which you may make a great saving in the local administration of justice? It lies in this, I think the plaintiff, it is true, gets his trial in a local court; but the procedure by which the trial is brought about, is not local but metropolitan. In order to get a trial at York or Sheffield, the plaintiff is obliged to go to London for his writ and final issues; and when the trial is at an end, he must go back to London for judgment and execution. The consequence is that the Sheffield plaintiff goes, as a matter of course, to a local attorney; and the local attorney applies, as a matter of course, to a metropolitan attorney, if for no other reason than this, that there is no other practical way of getting at the metropolitan office. Then the officials of the court are accustomed to be attended by professional agents, and it is no part of their business to instruct uninformed agents who wish to do their business themselves. Now, turn by contrast to the procedure of the local courts. That is conducted in a little office, where the ordinary mode of practice is for the parties to attend personally. The officials are accustomed to be attended by the parties personally and not by professional agents. The consequence is that, while in all formal matters whatever in the metropolitan courts the employment of a professional agent is a necessity, in the local courts it is absolutely unknown. I venture to say that of all the actions that are commenced, not one in several hundreds goes to trial; and I should be quite within the mark were I to say that there is perhaps not one in fifty, and certainly not one in twenty, in which there is anything to try. I do not believe you can try cases by the present mode of trial at a reduced cost, but in forty-nine cases out of fifty, or at all events in nineteen cases out of twenty, the law is set in motion not for the purpose of setting doubtful facts, or to enforce the performance of doubtful obligations, but for purely administrative purposes. If, then, in those nineteen cases out of twenty you were to dispense altogether with the necessity of legal agents, it is evident that you would, without in any way deteriorating the value of a trial when a trial was necessary, diminish the total cost of justice to a small fraction of its present amount. So that the principle which seems to me to be the one which ought to induce us to desire the extension of local jurisdiction is this, that the localization of the preliminary procedure dispenses, in at least nineteen cases of twenty, with the necessity of employing professional agents.

Mr. Tennent: It appears to me that the true principle in establishing local courts is to give the judge a jurisdiction in all matters as to real and personal property, and to make that jurisdiction, as regards a definite sum, an exclusive jurisdiction. I may refer your lordship, on this subject, to the jurisdiction which sheriffs in Scotland enjoy. You are aware that within the limits of £25 no appeal can be made to the court of session. But these sheriffs have in personal actions a jurisdiction unlimited as to amount; and in the sheriff court of Glasgow as much business is conducted as in any part of England, with the exception of London, and perhaps Manchester. Actions to the amount o £10,000 and £20,000 are there adjudicated; and so great is the satisfaction o

that large commercial community with the judgment of the local judge, that the appeals are very rare indeed. I find that, for the year ending 1st October last, the number of cases brought into court exceeding £12, but averaging from £100 to £200, was 1,170, and in these, final judgments were pronounced to the number of 567. [Lord BROUGHAM: They have not unlimited jurisdiction as to land as well as goods?] The sheriff has jurisdiction in all personal actions, and also in cases of servitude and right of way, but not absolute jurisdiction with regard to rights of property. Well, of these 567 judgments of causes averaging in amount from £100 to £200, subject to appeal to the court of session, appeals were only entered in 28 causes, and of these a number were dropped. I am safe, therefore, in saying that so well pleased are the public with this system of judicature that, with very few exceptions, litigants are satisfied with the judgment of the sheriff. Then we have been told, with regard to the attributes which are desired in a local court, that there should be expedition, a simple form of procedure, and prompt execution. All these attributes are realised in this court. Four judges are sitting in one part of the year; but, in point of fact, there is no vacation at all. An injunction or interdict can be obtained at the sheriff's chambers, every lawful day, upon a few hours' notice. My learned friend who last addressed you, stated that he objected to an *ex parte* injunction being given by a local court; but an *ex parte* injunction is given in the sheriff courts in Scotland, and in point of practice it has been found to work well. If there is the least abuse in the application made for it, the remedy is simple and speedy. The form of process is exceedingly simple. A paper called a condescendence, equivalent to your declaration, is lodged; answers are then given: and a denial, so far as inconsistent with the condescendence or declaration, closes the proceedings. The sheriff then proceeds to examine witnesses, and he is bound by statute to take notes of the evidence himself, and cannot devolve it upon any other party. After the evidence is closed, the sheriff then proceeds to give judgment, and it frequently happens that in mercantile causes of great importance the decision of the sheriff and also of the judge of appeal, the sheriff principal, is all given within two or three weeks. I have known, in a case of urgency, of the decision of the sheriff-substitute and of the sheriff-principal being given within two or three hours. I think it is worthy of the observation of the meeting that such a court as I have pointed out seems to realise what is so much called for in England. With regard to the other branch of the subject, tribunals of commerce, I have yet to learn that there is really any particular necessity for establishing any new tribunal, if we can only reform and amend the established judicatories of the country. I may refer your lordship to that principle of the law of Scotland, established by an act of the Scotch parliament, under which the decision of an arbiter is free from all challenge except on the ground of inequity—that is, a wilful injustice or refusal to hear parties. I have met with some of the leading mercantile men of England, and have taken the opportunity of bringing this matter before them, and asking their candid opinion as to our Scotch practice in regard to arbiters; and the answer I got was that they were earnestly desirous that such machinery should be introduced into the practice of England. If merchants differ on any important matter in Scotland, they have only to enter into a bond of arbitration. If it is a question in which the usages of trade are concerned, the arbiter agreed upon is some man conversant with the subject. He may examine his witnesses and give his decree: and if his decree is recorded in the sheriff-court books, or the books of council and session, it comes to be a rule of court, on which, for a few shillings of expense, decree and execution can issue. I have yet to learn that any tribunal can be formed that would improve the administration of justice more effectually than just such a procedure as I have referred to.

Dr. PANKHURST: I think the principle upon which Mr. Williams rested his paper will, for the most part, go unchallenged, that there is a necessity for bringing justice to every man's doors, and administering it with economy and despatch. But after the admission of the principle, there arise two questions. 1st. Upon what basis that principle shall be developed in practice; and, 2nd: what shall be the nature and extent of the jurisdiction of those courts which shall administer justice in that way? With regard to the system, Mr. Williams

passed with some slight notice over the existing Courts of Record, and similar tribunals existing in this country. Now I think it would not be inexpedient to submit the condition of Lancaster in this respect, for the County Palatine of Lancaster is very fortunately placed as to local courts. There is first the Court of Chancery for the county, having unlimited jurisdiction as to amount within the district, and doing a large amount of business. The number of suits and causes for the year ending December 1864, was 529; the number of debts proved was 8,500: the sum paid into court was £72,281; and the sum paid out of court was £115,331. We have also, in the second place, a court of common law, also of unlimited jurisdiction; but the precise amount of business which that court transacts we are not in a position to ascertain, because it is mixed up with the business of the superior court. In the third place, we have the Court of Record of the Hundred of Salford, which is limited to matters of £50 value; and in that court 2,876 writs were issued in 1364 involving an amount of £1,600. In the city of Manchester there is a Court of Record; having jurisdicton to a like amount, (£50), from which 3,912 writs were issued in 1864, involving an amount of £46,270. But in the case of the Liverpool Court of Passage we have an indication of what would be the amount of business in these courts if they had unlimited jurisdiction. From that court there were issued, in 1846, 3,701 writs in respect of £202,000. I conceive that, with regard to the county of Lancaster, if the existing five courts were consolidated in the first place; if their jurisdiction in point of amount over the area of the county was freed from the present limitation: and if there were administrative machinery for managing cases in which there was no contest, so far as that county is concerned the whole difficulty would be at an end. It might be arranged that a registrar could sit, with something like the powers of a judge at Chambers, and then the administrative part of the business would be got over in an excellent way. With reference to the matter of tribunals of commerce, a large portion of the argument of Mr. Leppoc rested on the ground of the expense and the annoyance which the commercial community receive from the complications and difficulties of the Statute of Frauds. But it is quite clear that in the new House of Commons the commercial community is strong enough to effect an abolition of the Statute of Frauds. If they do not make a movement with a view to the amendment of the present state of the law in that respect, either they do not care for it or they do not want an alteration. I conceive this branch of the case stands upon the same footing as international arbitration, which everybody in point of principle holds would be desirable in respect of trade disputes. The three principles laid down by Mr. Leppoc are—first, that commercial claims should be dealt with by a man experienced in commercial matters; second, that the procedure to be adopted should be simple and inexpensive: and, third, that the result of the decision should be speedily carried into effect. Now as a tentative measure, I think they ought to be proceeded with on the following principles. In the first place the tribunal should be voluntary; in the second place, the procedure should be simple in form, and every attempt should be made to bring parties personally before the tribunal; and in the third place, they ought not to attempt to impose a decision such as a verdict of law, but as a compromise which the parties might be induced to accept. If such a tentative measure were introduced, and much approved of, the difficulty would be cleared away; and from the experience of such a voluntary tribunal there might be suggested improvements upon the written and strict law of the land which would remove existing defects from the administration of justice.

Mr. G. W. Hastings: I think no one can doubt that the subject now under discussion is one of the most important, if not the most important, of any that can possibly engage the attention of a department for the amendment of the law. I do not believe there is any subject which is so important, because, however much you improve your law on your statute-book—however much you might remove other abuses—all that would be of no avail so long as you leave the bulk of the people throughout the country destitute of the means of obtaining the application of that law through cheap tribunals to which they can have a ready access. And it was because Lord Brougham felt so strongly that great want that he was, no doubt, induced, through so many years of his life, to devote himself to the

advocacy of the establishment of cheap local courts. But there are really two distinct questions which come before us this morning. The one is as to the establishment of local courts—that is, such as have jurisdiction in all matters—and the other refers to the administration of local justice in mercantile cases. These are in a certain sense two distinct subjects; and Mr. Hall and Mr. Leppoc have advocated the establishment of separate mercantile tribunals. I certainly must admit—and I think everyone must admit—that there are very strong arguments used on that side of the case, and very strong facts in its favour; and no one certainly who has had an opportunity of seeing the great satisfaction which tribunals of commerce give in a number of continental countries can doubt that the question as to their establishment in this country is one which deserves very great consideration. At the same time I must confess that I doubt whether it would not be better to adapt your existing tribunals to the wants of the mercantile community rather than establish a new and separate court. I confess that I object to the multiplication of courts. It seems to me that the failure of justice in criminal cases in our ordinary tribunals really arises from the mode of procedure. There was a suggestion made by the Mercantile Law Committee of this Association which we embodied in our Bankruptcy Bill. We proposed that in certain cases which came before the commissioners in bankruptcy, such as the granting of certificates, two mercantile assessors should be associated with the judge, much on the same principle as the Trinity Masters are associated with Dr. Lushington in the administration of justice in the admiralty court. I am very much inclined to think that in the adoption of some such principle as that the real solution of the question will be found. I very much regret, for that reason and others, that our Bankruptcy Bill never obtained a fair hearing from the Legislature. I formerly explained how it was that that bill fell through; but I am sorry to see a statement in one of the leading papers that this Association has talked a great deal about bankruptcy, but never done anything, the fact being that we prepared a bill which was introduced into the House of Commons and read a second time. That bill contained a clause which would have introduced the principle of mercantile assessors; and I cannot help thinking that if in mercantile cases the option was given to parties to have their cases tried before a judge and two mercantile assessors, nearly all the grievance felt by the mercantile community would be found to vanish. We all admit, however, that in mercantile as well as in other cases it is necessary to have a much greater amount of local jurisdiction. I think if any fact were wanting to prove this, it would be found in this town of Sheffield. Here you have a population, and an amount of wealth and mercantile enterprise, which far surpasses many of the capital cities of Europe. You have here population enough to make a German principality or a Swiss canton; and yet from year's end to year's end, this town never sees a judge who can try cases above £50. That is not confined to this town, but is true of many other great towns in the kingdom; and after such a fact as that it is impossible to doubt that our system of local jurisdiction does require to be very much extended. The arguments very often used against such an extension are those kinds of constitutional arguments which have been used to oppose so many improvements. It is said that it is opposed to the spirit of our English constitution, and to the spirit of our English courts; that it is necessary everything should go up to Westminster. Now I wish to call attention to the historical fallacy that runs through that argument. It is perfectly true that our Plantagenet sovereigns resolved on having a centralised system of justice, and on placing the judges in one set of courts in Westminster Hall, and making them administer justice twice a year throughout the kingdom; but it is quite a mistake to suppose that those were the only courts which the legislature gave to the country. On the contrary, there were dispersed in the middle ages throughout all the country, local courts, many of which had absolutely plenary jurisdiction. For instance, if you take the case of Bristol, which was the Liverpool of the middle ages, it had its court which could try civil cases to any amount, and the mercantile cases, there is no doubt, were then tried in these local courts. The reasons why these courts fell into disuse were threefold. In the first place, the salaries of the judges were fixed in amount, and the consequence was, that the salaries which were

quite sufficient in the days of the Plantagenets, came in our own times, and long before our own times, to be so inadequate, that it was impossible to get judges to take the office of the Recorder, and our Recorderships came to be held by barristers who rarely thought of residing in the towns where they sat as recorders. In the next place the procedure of these courts became antiquated; and in the third place, the area over which the writs and judgments of these courts could be executed was confined to the old limits of burghs; so that in Bristol the area over which the old court has absolute jurisdiction only extends to a small part of the real town of Bristol. I cannot see why these defects cannot be remedied, as they have been remedied in the Lord Mayor's Court in London, which had fallen into very much the same state as these courts. Its procedure was bad, its jurisdiction was limited, and a local act was obtained giving admirable procedure, both in common law and equity, to the court, and enabling its judgments to be enforced out of the city of London. The consequence of that is, that the Lord Mayor's Court of the present day is doing a very large amount of business. That really is a crucial test to apply to the whole question; for here you have a court in the City of London, close to Westminster Hall—close to the superior courts, to which everyone might have access if they chose, and yet we find that the mercantile men of London to a large extent go into their own Lord Mayor's Court, and get their own business done there. So much is this the case that the judges of that court, the one the Recorder of London, and the other the President of the Education Department of this Association, Mr. Chambers, the Common Serjeant, find that their offices have become very onerous by the large increase in the business of the court. If that be so in the City of London, with the superior courts close at hand, and constantly sitting, it would be much more the case throughout the country if you had courts established in the principal towns, with proper procedure, and with full power to enforce their judgments. As long ago as our meeting at Liverpool in 1858, I pointed out how the thing could be done in a paper which I read. In the large towns you have several offices. You have in Birmingham, for example, the Recorder, the Commissioner in Bankruptcy, and the County Court Judge. Well, if all these three offices were amalgamated, and you had only one court exercising jurisdiction in all these matters, you might perhaps have two judges, and certainly you could have one judge paid so highly that you would command first-rate talent from the bar, and you might have a court to which the legislature might at once, and safely, entrust plenary jurisdiction. But if you look at Liverpool, Manchester, and other places you will find the same thing: and I have no doubt that if in those towns there were not a number of local judges existing, and not salaries sufficient to pay a good judge, you would find that the town would be only too glad to pay out of its rates a moderate salary, in addition to that given by the Legislature, to have the benefit of a judge resident in the locality who would exercise plenary jurisdiction among them. And if you constituted that court so that not only would it have common law and equity jurisdiction, but also some civil mercantile jurisdiction, such as enabling the judge to sit in a mercantile case, after a mercantile fashion, with two mercantile assessors, to be guided by the customs of the mercantile men, you would find that all need for tribunals of commerce would at once vanish.

ADULT REFORMATORIES.

In addition to the papers by Mr. Clay, printed at p. 188.

Mr. Baker read a paper on Reformatories for adults. He pointed out that cellular imprisonment, besides being costly, loses its deterrent power if prolonged, and unfits the prisoner both morally and physically for the life of hard labour to which he will have to return. In the latter part of the sentence a healthier, more natural, and more laborious discipline was needed. He was anxious to see such

a discipline tried by way of experiment; and he thought that some of the Reformatory schools, which were now scarcely needed for their original purpose, as the number of juvenile offenders had so greatly decreased, might be appropriated for a time to give the plan a trial. He was willing to offer his own Reformatory, at Hardwicke, for a first experiment. He proposed that it should be constituted an adult Reformatory by its transference to the country as its property; and that then the Home Secretary should be requested (in virtue of authority he already possessed) to remove to it a batch of prisoners from Gloucester gaol. The expenses of the establishment might be defrayed by an allowance from the county rate equal to the cost of the men's maintenance in prison. If a prisoner behaved ill, he should be re-consigned to goal; and if the whole scheme proved a failure, it could be abandoned without any serious loss having been incurred. In case of success, however, it would then be expedient to grant to ordinary prisoners, the boon already given to convicts and juvenile offenders, namely, the ticket of leave. The concession of this would, or at any rate ought, to involve a considerable lengthening of sentences, a large part, of course, being remissible under license.

INADEQUATE SENTENCES.

What means is it desirable to adopt to prevent the passing of sentences inadequate to the proper repression of crime?

In addition to the paper on this subject by Mr. Baker, printed at p. 203.

Mr. T. Ll. Murray Browne, contributed a paper in support of Mr. Baker's views. As an illustration of the effect likely to be produced by a system of cumulative sentences, he instanced the small number of re-convictions among the liberates assisted by "The Discharged Prisoners Relief Committee," in London, of which he was the secretary. By reference to the last annual report of the Committee, it appeared that of 365 men placed out in the previous year, as far as could be ascertained up to the publication of the report, only 24 had been re-convicted. He attributed this very small percentage to the practice they had adopted of supplying the judge with the particulars of previous offences in cases where any of their clients were re-convicted, in order to procure the passing of a severer sentence. The knowledge that if they relapsed they would almost certainly incur very aggravated punishment had, he was sure, a very deterrent influence upon the men aided by the society.

DISCUSSION.

Mr. Saunders, Recorder of Bath. Much that Mr. Baker advocates is already in operation. The present rule, which is widely observed, is to give a much severer sentence on a second conviction. To give the judge no option as to the amount of punishment for second and subsequent felonies would be a mistake. I think the recent act which compels a sentence of seven years penal servitude for

a second felony is too stringent. Rather than inflict it, judges adopt the alternative of eighteen months or two years imprisonment. From motives of humanity, moreover, information as to previous convictions is often withheld from the judge. Severe fixed sentences, therefore, even if required by law, would not systematically be passed; and thus the certainty of punishment, which is the chief deterrent, would be lessened. Besides, in cases of theft, the chances of impunity are so great that the severity of the punishment hardly enters into the thief's calculations. I do not think I am wrong in saying that one-third of the cases of theft never find their way to the knowledge of the police. As regards larceny I have calculated that the persons convicted are at the rate of seven per cent. of the crimes committed. Persons often commit twenty offences before they are discovered. Again, on Mr. Baker's plan, the magistrate might have to give a very heavy sentence for a trivial offence—seven years penal servitude perhaps, for stealing a handkerchief. This would arouse public sympathy, and make the thief a martyr. With a fixed scale of sentences, magistrates could not consider public opinion, as to a certain extent they must do. Suppose, a farm servant received first a moderate term of imprisonment for sheep stealing, and then penal servitude for drinking a can of his master's beer, what would the public say? [Mr. Baker. But I left the magistrate a discretion]. Then if the magistrates are to have a discretion, you leave matters just as they are.

Mr. Hastings: I do not think that sentences should conform to public sentiment. They should simply have regard to what is most effectual for the repression of crime. Our endeavour should be to educate the public to act for their own true interests, and not on sentimental impulse. I do not think, however, that the public is ripe for Mr. Baker's scheme yet. The popular idea at present is, to make the punishment match the offence; whereas, the true principle requires that measure of punishment to be adopted which will most effectually prevent the offence. The true objection to severe punishments lies in the difficulty which they involve of procuring convictions. Mr. Saunders has said nothing about habitual offenders, for whose benefit Mr. Baker's scheme is specially intended. When it is proved that a man is preying on society, the question is, not the fair punishment for the particular offence with which he was charged at the moment, but how is his career to be stopped. The trivial penalties inflicted on regular criminals are absurdly unjust as anything which can be alleged on the other side. In one case that I recently observed the criminal had been fifty-seven times previously convicted for larceny. Abuses of the same kind are common throughout the country under the Summary Convictions Act. Nothing can be more unsatisfactory. It would be well to adopt any experiment, such as Mr. Baker's, and give it a fair trial, rather than let such a system go on.

Mr. Cox, Recorder of Falmouth: The want of some settled principle in the infliction of sentences is certainly a great evil. Where you have two judges sitting in adjacent courts, it will often depend on which side of the passage that separates them a man is tried, whether he gets six or twelve months. For want of a guiding principle the length of the sentence chiefly depends on the individual sentiments of the judges. I think this Association would confer a great benefit on the community by issuing a suggestive scale of punishment, for the guidance of magistrates, with a succinct statement of the reasons why each step in the scale is adopted. The scale, however, should be merely suggestive. To fetter the judge's discretion by a rigid rule would be very mischievous. I feel this strongly as regards the recent enactment that the first sentence to penal servitude shall be not less than five, the second, not less than seven, years. Two years' confinement, unless under penal servitude regulations, is far too long: and thus being driven to choose between one year in gaol, and seven in a convict prison, we err on the side of humanity and choose the former. Another reason for not hampering the judge's discretion is that offences of technically the same criminality are in moral guilt widely different. Arson, for example, may be a crime little less heinous than murder in one case, mere wanton thoughtlessness in another. You must therefore give the judge full liberty to act according to the circumstances and the offender's character. The offence, as defined by law, may put the accidental and the professional criminal in the same category. But both in the penalty affixed, and the discipline afterwards applied, a wide difference

should be made. I would separate the professional thief from his associates fo a long period; I would remit the residue of the accidental offender's sentence, when his reformation was secured; and I would detain the incorrigible criminal for life.

Mr. SHEPHERD.—I think the steps in Mr. Baker's scale are too long. I would fix three months for the second, and twelve months for the third offence, as the minimum, leaving the magistrate discretion to increase the minimum. I would also add to Mr. Baker's plan the suggestion, that on the expiry of his imprisonment the offender should find security for his good conduct during a certain period. You require this from the man guilty of assault, why not from the man guilty of a theft? In my own experience I know of only one re-committal when the offender had been required to find sureties. I would say, then, sentence felons to imprisonment, and tack on to the sentence the necessity for finding sureties for two or three years after, on pain of farther detention if they cannot. The accidental offender will get sureties, the professional will not, and thus you compass your purpose of letting the one go, while you restrain the other from fresh crime.

Rev. W. L. CLAY: You must not, as Mr. Hastings says, allow public sentiment to dictate sentences: yet you cannot inflict sentences which violate public sentiment. We must be content to work patiently at the task of getting public feeling into harmony with a sound system. I wish Mr. Baker was less severe in his proposed scale;—the jump from one year to seven years' confinement is startling. I fear that the public in its repugnance to his harsh details, will overlook the great value of his main principle. With regard to the objections brought against restricting the discretion of the judge by a fixed scale, I believe the best remedy would be a court of cassation.

Miss CARPENTER entirely agreed with the principles Mr. Baker advocated; but she pointed out that in order to carry them out, a thorough registration of habitual criminals was necessary. At present a delinquent often escaped with a light sentence simply because his previous character was not known. She was also desirous to see the principle of cumulative sentences applied to small misdemeanours, as well as to felonies. It was useless, for example, to continue to give a few days' imprisonment to drunkards who had been brought up at the same court fifty or sixty times.

MISCELLANEOUS.

Miss SHEDDON read a paper "On the Necessity for the Inviolate Preservation of Trial by Jury on all great Questions of Fact," pointing out the great value of the institution, and urging the necessity for watchfulness on the part of all who desired its maintenance in order that the right of resorting to it might not be taken away in questions of legitimacy, nationality, and inheritance.

Mr. R. A. MACFIE, of Liverpool, read a paper on "Long Restrictions in the Use of Inventions, and Obligation to make heavy Payments to Patentees, incompatible with Free and Fair Trade." Mr. Macfie commenced by observing that he did not dispute the inventor's right of use of the property in his invention, but he did dispute his exclusive right. To give one inventor such a right was to subvert the principle by denying the right of other inventors

who might be as original, and had worked as hard and spent as much, but who, owing to a desire to perfect their achievement a little more, or because they lived in the provinces, a day's journey farther off, came some hours behind, and were only second or third applicants for the coveted privilege. The State ought not to give a right of exclusive property—that was, power to meddle with others and to forbid them to use their valuable knowledge—except in cases where common use and enjoyment would diminish public wealth or harm a previous possessor. There was this obvious and broad distinction between copyright and patent right, that to grant exclusive privileges to an author interfered with the compositions of no one else, whereas the granting of them to an inventor continually conflicted with what others had done and were doing. Mr. Macfie then traced the history of the patent laws, from the time when exclusive rights of selling or making some commodities were granted to court favourites as rewards. He suggested that the patent law as it stood at present should be repealed, and that rewards should be given to inventors by government; or that patents should be granted much as heretofore, but that, on the demand of any manufacturer, after three years of monopoly, any invention might be valued, not of course on the basis of the returns which it might bring, but on that of its originality, the cost incurred in working it out, its advantage, &c. Whereupon it should be lawful for a patent board to distinguish the grant in any of the following circumstances :—1. If the patentee's books (which he should be obliged to keep) showed that he had already received in fees the valuation price. 2. If manufacturers and others interested unitedly paid as much as would make the price up. 3. If the State paid the remainder of the price, purchasing the invention for the nation. And he would add another condition, that any one might obtain exemption for himself or his firm by paying say a tenth of the price. Mr. Macfie illustrated his paper by many cases of hardship which the present law involved.

Mr. Macfie also read a paper entitled "Plurality or Graduation of Individual Votes as a Means of Facilitating the Extension of the Parliamentary Suffrage to all Classes," proposing that any householder of 24 should have a vote, every freeholder of 40 a vote, every occupant of business premises a vote, and every payer of direct taxes a vote. Persons who possessed more than one of the qualifications to have a corresponding number of votes. Of course no one to have more than four.

Mr. R. J. Gainsford read a paper entitled "Reformatory Schools, and especially the North of England Catholic Girls' Reformatory School, at Howard Hill, near Sheffield." The writer began by observing that he was not aware of any instance of recent legislation in which a new law had been based upon a more sound principle than in the Reformatory Schools Acts. The public money was paid just in proportion to the actual amount of reformatory

education accomplished. There were no religious distinctions, and Government had nothing to do with the title or trust of lands or buildings. The amount of money paid was in exact proportion to the number of scholars in actual attendance, a sum nearly but not quite equal to the actual expense of their maintenance and education. The first certificate under the Reformatory Schools Act was granted in 1854, and he doubted whether this or any other country could furnish so clear an illustration of beneficial results from a definite cause. The remedial results of reformatory training were, according to the last report of the Government Inspector, stated to be as follows:—"About 70 per cent. of those who are brought under reformatory training are permanently rescued or improved by its influence." The number of persons disharged from reformatory schools in England and Scotland was about 1,200 annually. The writer explained the nature of the reformatory system adopted and carried out at the school at Howard Hill, and the satisfactory results obtained.

Mr. Gainsford also read a paper, urging the public advantage of a grant of assizes to Sheffield.

Papers were read by Mr. T. Webster on "The Palace of Justice, the Site, Approaches, and Arrangements of the Courts and Offices of Judicature;" and by Mr. John Guest, "On Affiliation of Illegitimate Children," which have been read again at the evening meetings of the Association in London, and are printed in the *Journal of Social Science*, pp. 25, 195.

EDUCATION.

Report of the Standing Committee of the Department.

DURING the past session of Parliament no bill directly bearing on Education has been introduced into either House, but notwithstanding the absence of legislative measures, the period since the last Congress of the Association has not been unproductive of matters of interest in the subjects specially delegated to this department.

EDUCATION OF THE UPPER AND MIDDLE CLASSES.
PUBLIC SCHOOLS COMMISSION.

The remarkable event of last year was the publication of the Royal Commissioners' Report on nine of the leading public schools of this country. Although the report, so far as the schools in question were concerned, was well nigh exhaustive, it was judged that the area of inquiry had been too limited to lead to well considered legislation, and the Council of this Association, therefore, presented a memorial to the Prime Minister during the summer of last year, praying that a similar commission might be nominated with power to inquire into the condition of the smaller grammar schools and into the provision for middle-class education generally. At the close of last year, the Commission prayed for was granted ; and in their report the Commissioners are directed to consider what measures, if any, are required, for the improvement of such schools having special regard to all endowments applicable, or which can rightly be made applicable thereto. The Commission have appointed Assistant-Commissioners to go into selected specimen districts of England and Wales, and have appointed others to proceed to the United States and Canada. As the evidence is not yet completed, or the report published, it would be premature to forecast what the recommendations for improvement may be. Your Committee, however, trust that the following suggestions may be considered, if not adopted, by the Commissioners in their forthcoming report :—

I.—The extinction of such schools as, from poverty of endowment, or paucity of population, or both causes, are clearly unproductive of the results contemplated by the founders ; and, in lieu thereof, admission to leading schools, or the establishment of central schools, to which the children admissible to the merged schools may be

eligible on favourable terms. II.—That where admission to schools can only be obtained by nomination of trustees or officials, a certain per centage of children be admitted after competitive examination III.—That a central fund be established towards which the small grammar schools shall contribute, in proportion to their nett income, for the purpose of founding exhibitions, tenable for three years at the Universities, or the leading public schools by scholars from the contributing schools, and obtainable by public examination. IV.—That, as the University Local Examinations afford no test of the general efficiency of schools, there be an annual examination of the small endowed grammar schools, by examiners appointed by her Majesty's Government, and that a tabulated statement of such examinations be printed and published, and that the funds needful for the carrying out of such purposes be defrayed by a rate levied on the schools in proportion to the children severally examined.

ADMISSION OF GIRLS TO THE UNIVERSITY LOCAL EXAMINATIONS.

The University of Cambridge received most favourably the memorial for the admission of girls to its local examinations, signed by above a thousand persons connected with education, as well as many others, including some of the most prominent and active members of our own Association. The memorial was presented towards the close of 1864, and the question was referred to a special syndicate, who, after a careful consideration, made a report recommending the proposed extension. In accordance with this, a grace of the Senate was passed, giving effect to the recommendation of the syndicate. The scheme is to continue in force as a tentative measure for three years, at the expiration of which there is every reason to believe that it will be made permanent.*

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* The local examinations of girls were held at six places, Brighton, Bristol, Cambridge, Manchester, London, and Sheffield. The total number of students present was 126—76 seniors and 50 juniors. 130 had entered, of whom 4 were prevented from attending by illness or other causes. Although no general examination of girls has been held before, and therefore no complete comparison can be made between the results of this and former years, yet the trial examination held in London in 1863 affords some material for comparing the work done in a few of the subjects. It is satisfactory in particular to remark that the arithmetic, in that year so disastrous, especially to the seniors, of whom more than 90 per cent. were rejected in this subject alone, has this year been very successful. Indeed, of the whole number of candidates, no more than 3 failed in it. The total number rejected was 28 seniors and 8 juniors. In 1863, out of 91 candidates 57 failed. As this is the first attempt at extending the scheme to girls, it is right to say something of the reports of the local examiners at the different centres. One writes:—"I conducted the girls' examination in London. Everything went on quite as regularly and quietly as at any examination at which I have been present. The girls seem to take a great interest in it, and worked at their papers in a very business-like way, and for the whole time allotted to them. I was quite struck with the easy way in which they bore the stress of the examination. I could not detect any flagging of interest in it, or any sign of weariness, or any ill effect upon them whatever." All the local examiners speak or write in similar terms.—Report presented to the Senate, Feb. 16, 1866.

Elementary Education of the Lower Classes.—Select Committee of the House of Commons on Education.

A select Committee of the House of Commons has been appointed at the instance of Sir John Pakington, for the purpose of considering and reporting on two points. First whether there should be one responsible official—a Minister of Instruction—instead of a President and Vice President as now; and secondly, whether any plan could be adopted for extending the pecuniary assistance of Government to the smaller and poorer schools in England and Wales. A considerable amount of evidence has already been taken, but the committee express their inability to report at present, and desire that a like committee should be appointed to pursue the same inquiry in next session, which they now find themselves unable to conclude. With a view of supplying rural schools with certificated teachers, and of obtaining for them State aid, an experiment is in course of trial which deserves notice less on account of its intrinsic merits as of the distinguished lady who propounds it. Miss Burdett Coutts proposes that a union of a certain number of contiguous small parishes shall be formed; and that in each parish, a school, not unlike the old dame school should be established: that a master should be appointed who should work in each small school in succession for one or two days, or for a week or for any time that might be suggested. The scheme is in course of trial on the Devonshire coast but it would be premature to pronounce an opinion as to its success. It would be in accordance with the suggestions of the Royal Commissioners, who propose a union of small schools; only in this case the union would be aimed at not by amalgamation of schools, or by expecting children to walk impossible distances to one school room, but by making one master an ambulatory centre of unity.

THE CONSCIENCE CLAUSE.

The Conscience Clause proposed by the Committee of Council on Education to the National Society, for parishes where one school only is required, and where the promoters wish to connect it with the Church of England, although the population contains Dissenters, is founded on Act 23 Vict., c.11: and runs as follows:—

"The said committee shall be bound to make such orders as shall provide for admitting to the benefits of the school the children of parents not in communion with the Church of England as by law established; but such orders shall be confined to the exemption of such children, if their parents desire it, from attendance at the public worship and instruction in the doctrines and formularies of the said church, and not otherwise interfere with the religious teaching of the scholars, as fixed by these presents, and shall not authorise any other religious instruction to be given in the school."

The National Society have declined to entertain the proposal of the Committee of Council on Education, and the correspondence

on the subject between the two bodies has been brought to a close. Meanwhile the question has not been permitted to die out. Frequent discussions have taken place at different diocesan boards of education and public meetings, and varied forms of petitions have been addressed to Parliament. On the one hand it is held to be unjust to exclude from all instruction in schools, aided by the public purse, the children of Non-conformists who object to the doctrines of the Church, which might be the case in small parishes where the conscience clause is not inserted in the School Trust Deed ; and, on the other hand, it is maintained that the enforcement of the management clause will impair the discipline and efficiency of Church Schools, is offensive to the conscience of Churchmen, and incompatible with the denominational system under which the Educational Fund has hitherto been voted by Parliament and distributed by the Committee of Council on Education.

THE RESULTS OF THE REVISED CODE.

The irritation caused by the introduction of the Revised Code has in great measure abated, and managers and teachers are settling down to the working out of a system which Parliament has in its wisdom resolved on carrying out. The financial effect of the Code on the teachers' salary is not as disastrous as was anticipated. Under the old Code the average endowments of a certificated master amounted to £94 4*s.* 7*d.* and of a certificated mistress to £63 6*s.* 8*d.* Under the Revised Code the emoluments of the certificated master amount to £88 19*s.* 5*d.*, and of a certificated mistress, to £54 13*s.* 5*d.* There is, however, just ground for doubting whether the supply of future certificated teachers can be maintained at its proper standard. At the close of the year 1864 there was a decrease of 1,689 pupil teachers, as compared with the like period of the preceding year. It has never been asserted that the number of certificated teachers exceeded the demand. If, then, there is to be a considerable diminution in the source whence trained teachers are drawn, it must follow that the rate of vacancies per annum in the ranks of teachers cannot be made up, and, therefore, that a less number of schools will receive State aid; or, as Mr. Walter desires, the maintenance of the teacher's certificate as a condition of public aid to schools must no longer be insisted on. There has again been a very considerable reduction in the grants under the Revised Code; as town schools are receiving as largely as formerly, it is to be feared that the reduction has been effected where least it can be borne.

ENDOWED ELEMENTARY SCHOOLS.

"By a Minute of Council bearing date the 19th of May, 1863, it was provided that—In every school the amount of endowment should be deducted from the grant earned by the school under the Revised Code. On the 11th March a second minute was promulgated, in which exception was made in favour of small schools in rural

districts, where the reduction should be suspended so long as the grant and the endowment together do not make a sum total of 15*s.* per scholar in average attendance. According to a third minute, issued in May last, the distinction between schools in rural districts and other schools, as regards endowment, is to be abolished. In all schools the endowment will not be deducted from the Government subsidy so long as it, together with the grant, produces no more than 15*s.* per scholar. This last minute came into force on the 1st of July of this year.

COMPULSORY EDUCATION.

Last year the Factories' Acts were extended to earthenware and other works and factories. In the last half-yearly report of Mr. Baker, Inspector of Factories, he states that he has personally visited the new works under the law, and has nothing to report but what is exceedingly satisfactory. There are about 1,500 children at school in the Potteries proper, not one of whom was under tuition at Christmas last, and doing well, making useful progress, and under a discipline which will by-and-by extend to the works as well as the school. For the most part they are half-time workers; a few are at work on alternate days. Mr. Baker adds that he hears of none of the difficulties of the half-time system now which he did at the commencement. One of the special questions for discussion by this Department at the present Congress is:—"What further regulations of the labour of children are required to promote education?" In the fourth report of the Children's Employment Commission, published within the last fortnight, evidence is given of the deplorable ignorance existing among some of the children examined at Sheffield, who are employed in the manufactories of the town. The committee desire to suspend their judgment in the matter until they hear any counter statement which the manufacturers of Sheffield desire to offer. Whether the selected examples present a fair average of the intellectual standard of the children employed; whether the hours of labour in Sheffield are so protracted as to be injurious to the physical and mental well-being of the children; and whether the nature of the work will admit of the application of the Factory or of the Half-time Acts, or of kindred Legislative interference, are points which specially merit, and will probably receive, due consideration in the papers and discussion which will occupy the attention of the department. The Association will have achieved no unimportant work if during the present Congress the whole subject should now receive that full and impartial consideration which will enable Parliament on sufficient grounds to determine whether and to what degree its intervention is needed in the settlement of a question of the gravest moment to the interests of the employer and employed of this important town."

THE EDUCATION OF GIRLS.*

What better provision ought to be made for the Education of Girls of the Upper and Middle Classes?

By the Rev. F. D. Maurice.

I HAVE taken part for some years in a London College for the Education of Girls. Those who established it were convinced (1) that it was desirable for girls to have as much male instruction and superintendence as possible; (2) that it was desirable that they should receive their lessons in classes; (3) that it was desirable that their lessons should not be separated, as they must be in boarding-schools, from the influences of home. I do not mean that they hoped or wished to supersede female instruction, or the teaching of separate masters, or any existing schools. I mean merely that they were led by various observations and reflections to believe that an education was wanted, and might perhaps be given, which even the best schools managed by ladies, or the best teaching which is not social, does not supply. What these observations and reflections were it may not be of much importance to record. But each person who is engaged in such a college may fairly be asked whether his experience—it must be, of course, in great part an experience of his own mistakes and failures—appears to him to justify the maxims on which it was founded. Mine has been small in comparison with that of many of my colleagues, but so far as it goes, it has convinced me that the maxims were sound.

1. My belief that male instruction—formal, methodical male instruction—is needed for girls, is certainly not derived from any apprehension that female lessons are likely to be more frivolous or insincere than those which we impart. Those words sound almost impious when one remembers the testimonies which the most earnest thinkers and doers in the world have borne to the influence of their mothers, in saving them from frivolity and insincerity, in making them steady and conscientious in their study and their work. I should suppose that men of science and men of business have owed the habit of observing facts—the preservation from mere dreaminess and flights of fancy—very much indeed to the counsels of their mothers, still more to the examples of minute and steady diligence which they have afforded. And if we consider the women who have done most for their own sex or for ours, especially on the subject of education, we shall find that there is nothing for which they have laboured more than to cultivate an honest and truthful temper—to banish whatever they thought was likely to interfere with it. Miss Edgeworth is an obvious instance. Whatever defects we may find in her scheme of education, or in the remarkable series of books which illustrates it, the last complaint any reasonable person can make of her is that she exalts the fancy too highly, that she deos not

* *See* Transactions, 1862, p. 339, 342; 1864, p. 394, 404.

encourage the most profound reverence for fact. If any man starts with the notion that this reverence does not exist as strongly in the other sex as in his own, if he supposes that to inculcate it is his peculiar vocation, I suspect he will misunderstand his pupils, and will never give them the help which he might give them. It has always seemed to me that I acquire more of this blessing from my female pupils than I can impart to them.

Precisely because I have this conviction, I think that it is in our power to give them a kind of aid which they could not ordinarily obtain, even from women far more accomplished than we are. In trying to teach them a little modern history, I am continually reminded of a tendency in my own mind to generalize. I see how dreary my lessons become to them if I give way to that tendency; what a demand there is in them for acts and characters, for living deeds and living persons. That which is especially our masculine infirmity is discovered and rebuked whenever we seek to hold any serious intercourse with them. But it may also be cured. Our temptation is to seek for laws apart from facts; theirs is to seek facts apart from laws. If they compel us always to connect our grand enunciation of laws with their lively apprehension of particular facts, we may be saved from much vagueness and pedantry — from building on mere hypotheses—from describing circles when we suppose we are making progress. On the other hand, they may be saved from that passion for petty details, which characterises some of the female writers, in many respects highly instructive and useful, who have dealt with history. They may be saved from the still more dangerous habit of supplying the want of principles by exaggerations of the fancy.

The temptation to do this arises from no indifference to reality. One may see in the most outrageously sensational novel, written by a female pen, what a desire there is to dwell on all the little points which convey the sense of reality and minister to the craving for it. But the powerlessness to group the separate facts and the different personages, to find out some living and intelligible connection between them, suggests desperate experiments for making them cohere. By fair means or foul, human life, and and every one's own life, must be contemplated as a whole. If we are desirous that the means shall be fair and not foul, that there shall be some discovery of the actual relation between acts and the doers of acts, we must not confide the education of girls exclusively even to those who would most faithfully impress them with the superiority of the smallest fact to the most elaborate fiction. We must put them in communication with those who have, even to excess, the habit of referring all particular cases to some principle; at any rate who are always in search of some principle to which they may be referred. I have admitted fully, that as much is taken by the instructor as he gives; that the action and reaction exactly correspond; that just so far as he is profited by that disposition of an attentive pupil in which she differs from him, just so far she will gain by what he tells her.

If this be a true statement, it may go some way towards settling certain questions which occasionally trouble us more perhaps than is necessary. Controversies about the relative capacities of men and women may be discussed, it seems to me, for ever, with very little result, whilst we repeat the phrases "equality" or "inequality" and make the decision turn upon them. The necessity of each sex to the other may be surely taken for granted as a preliminary. And if it is taken for granted, the inference would at least be probable *à priori*, were it not established by evidence, that each had capacities which the other did not possess, and which could only be unfolded through the help of the other; that each had defects answering to these capacities, which can only be remedied by the same help. I am ashamed to utter such truisms; but since they are often overlooked, and much precious time is wasted from the neglect of them, some one or other must recal attention to them.

The far more serious practical question, how many of the studies which boys are expected to pursue should be demanded of girls, must perhaps stand over till we have settled what studies boys are expected or should be expected to pursue. While so many debates are pending upon that subject it must be premature to pronounce upon the other. But these inferences would follow from what I have said. First, that the difference in the capacities of boys and girls does not the least involve a necessity for a difference in their studies; secondly, that if the studies were exactly the same the peculiar strength and weakness of the two sexes would undoubtedly reveal themselves in the manner in which they received the lessons that were imparted to them.

Thus, if we take the study which has given the name of "Grammar" schools to our schools for boys, there can be no doubt, I suppose, that there is a peculiar inaptitude in the English boy for receiving the sounds of any language except his own, even if he has been ever so much imbued with its etymology, its syntax, its prosody. There can be no doubt again that girls who find much difficulty in the etymology and syntax and prosody, have a hundred times the aptitude of their brothers for speaking any language, or singing in it, even though they acquire it in comparatively mature years, without any early assistance from a native. If this difference is referred to organisation, so let it be; the difference remains.

But besides this facility for seizing the vocal part of a language, the girl apprehends the usages and idioms of it, all that belongs to daily converse, much more rapidly than boys or men do. Now this faculty clearly demands cultivation. It can receive none so effectual, it seems to me, as that which proceeds from a man, who having had his lips accustomed from infancy to the language, has the grammatical knowledge and grammatical habit which the girl finds it so hard to acquire. Whether or not she ever obtains the same knowledge of Grammar as the boy, it will do her at least as much good as it will do him. I should say it will do her more good. It will enable her to arrange the parts of the speech which she catches so readily, to

see a meaning and an order in them of which the boy, however well acquainted with the rules, is not always conscious. This observation applies no doubt strictly to modern languages. But a girl whose parents thought it desirable for her to learn Latin or Greek, would, I doubt not, bring the same keen perception to bear upon them. She would wish much more than we do in general to have the power of hearing and of speaking the words which she reads out of books. But she would enter, often much more than we do, into the force and life of the words. And their construction, however dry the explanation of it might be, would commend itself to her as a strange and wonderful order which relieved her own language of a great many perplexities, and threw light upon the French or Italian and any other which she had learned.

I have dwelt longer upon this instance because it is the one most likely to occur to us as marking the line between male and female education. I have alluded to it also, because my remarks on it may show how much the musical education of girls—which I trust will never be less regarded than it is or has been, though one may hope that the method of imparting it will become less oppressive—may bear upon her other pursuits, this of language especially. One great means of making instruction in language effectual will be lost if it is divided from musical instruction. I trust some way will be discovered of bringing them into a closer relation to each other.

I do not like to speak of physical science, being very ignorant of it. But I cannot help perceiving how much the study of physics through books without experiments, belonged to the monkish, celibate, scholastic age; how the pathway to discovery through the testing of facts was marked out by laymen who held free intercourse and communion with female intellects. Ever since that path was marked out, there has been the danger of experiment becoming empiricism, there has been the danger of the student retreating again into his cave. The taste of ladies for lectures on science may rather foster the first evil, tempting quacks to exhibit the results of painful investigations as mere glittering marvels; it may also promote the other evil by leading hard thinkers to exalt their theories in contrast to these outward displays. But if the aptitude for observation, and the taste for particular facts in girls, are cultivated by those who have the masculine habit of reflection and of combining facts, the benefit to both, and to the progress of inquiry itself, might be greater than we can at all imagine.

My own lectures to girls have been either on history or English literature. I have alluded to the former subject already. I will say this much about the latter, that the liveliest female intellects are most likely to make Taste—which means their own taste, or the taste of the circle that surrounds them—the standard of what is good in writings past and present—are most likely, at the same time, to be entertained and moulded by a clever, fastidious criticism. They may meet with women whose tastes are pure and refined, much purer and more refined than those of most men; they may receive from them

sensible and acute praises of the best writers, and warnings against the ill-nature of reviewers. I do not underrate the very great advantage of the examples and counsels of such friends; they are precious to the characters, as much as to the understandings of girls; but I believe a rougher masculine teacher who has been wont, even rigidly and pedantically, to subject his taste to principles, who regards criticism as a study and an art for all time—not as an exercise of wit and skill which may be taken up at a moment's notice, to gratify some particular fancy or spite—can do for the regular education of girls what the instinctive wisdom of the excellent teachers of their own sex cannot do. If, indeed, that were wanting, I should not expect much from his lessons. They can, I think, fill up what is deficient in the feminine wisdom; and in this case, as in others which I have noticed, the peculiar aptitudes of the pupil offer a most useful correction to the formality of the master, a most useful direction to his instruction. He must come down from his stilts, he must be personal and biographical; he must trust more to the words of his author than to his own explanations of them; if he is to have the slightest influence on the minds of the girls to whom he speaks.

2. That the male teaching of girls should be, when it is possible, in classes, I think no one can dispute. I do not overlook the disadvantages which are incidental to all class teaching; but I do not reckon among those disadvantages the comparative ignorance which the master must have of the particular temptations, even of the particular gifts, of his individual pupils. The ignorance, of course, will be least in the case of an experienced and sympathising observer of them, a careful student of their answers and their looks. But where it is greatest there is a compensation. He speaks to something which is common to them all. His words find their way to those for whom they are intended, without those devices to adapt them to special characters, which are often awkward, often dangerous, founded, it may be, upon false judgments in him who makes the experiment, promoting morbid self-consciousness in the subjects of it.

On the other hand, I do not reckon it among the benefits of this teaching that it promotes rivalship or competition among the members of the class. Till I see more distinct good from that feeling among boys, I shall not desire greatly to stimulate it among girls. I hope that the learning in class may have exactly the opposite effect to this. I believe it encourages sympathy and fellow work. It gives a common interest in higher subjects, to those who would only have their narrow separate interests. It must make conversation less frivolous.

One accidental evil I have found in my own class, to which I think those who understand class teaching better, and have more skill in making it catechetical, are less exposed. The girls appear to think that they shall improve their memories, at the cost of their health, by leaning over a desk and writing for an hour, as fast as their fingers can move, all that the lecturer says to them. The

consequence is likely to be that, at an examination, they merely give him back his own sentences, sometimes with strange perversions or reversals of their meaning. That this result does not always come to pass—that they do very often render the spirit of his instructions faithfully, and wisely forsake the letter of them—that they even exercise their own faculties, and, to his great pleasure, show him that they have not arrived at his conclusions—I can testify. The vivacity of some minds is too great to be stifled by the most crushing processes ; this scheme of perpetual note-taking I fear is a very crushing one.

3. The pupils in a college for girls ought to have the male instruction, which is its groundwork, supported by all possible aid from the counsel of cultivated seniors of their own sex. They should have the help of young ladies somewhat above their own age, who will be to them what private tutors are to young men at the Universities. And there should be houses, under the care of experienced ladies, which can be safely recommended to parents who send their daughters from a distance. But all these necessary provisions do not make up for the want of the actual family where it can be had. Day schools for boys are rather contrivances to meet a necessity. For those who are to work abroad in the world, a tolerably early experience of it—with home as the reward of their toil—may be reasonably desired, let the trial be as great as it may. I do not see how a similar trial can be desired for those whose business is to be chiefly domestic, whatever is of another character being additional or exceptional. For the sake of their studies, no less than of their characters—if they can be contemplated apart—I should wish them to be surrounded with home influences whilst they are at college. They have need to be continually reminded of the connection between their books and their life, that both may not become dreary and unmeaning to them.

A short statement of what I have learnt from experiences, however partial, would, I thought, be more acceptable to the meeting, than any speculations of mine about the education of girls in the upper, middle, or lower classes. The institution with which alone I have any acquaintance, has nothing which limits it to any class. Its success or failure does not affect the maxims which I have been considering. They have been applied in various places; each application of them ought to be carefully watched. An authorised inspection of colleges for girls should be desired by all who take any part in them ; an examination of those whom they send forth they have asked for. If it proves unsatisfactory, so much the more need is there for it. But I have not spoken of examinations, lest I should confound them with education, or should countenance the far too prevalent opinion that the education, either of boys or girls, is to be shaped into conformity with them. Examinations, as a test of what an education is, may be most precious ; if they determine what it shall be, they destroy the sincerity of the teacher and of the pupil. And we cannot too often impress upon ourselves the doctrine—which none would deny in terms, which all are tempted to

deny in act—that any education which is not sincere, and which does not aim above all things else to make those who receive it sincere, is a curse, not a blessing, to men and women, boys and girls.

The Ladies' College at Cheltenham. *By* DOROTHEA BEALE.

I MAY take it for granted, at least in this Association, that the question has no longer to be argued, whether education, in the fullest sense of the word, is desirable for girls, but that the aim is simply to discuss what methods are best. One great object of such associations is, to bring into activity and render available for the good of the community, all resources hitherto comparatively unutilised, acting upon the conviction that nothing has been created in vain. Hence we believe, that if woman has been endowed with mental and moral capacities, it was intended that these should be cultivated and improved "for the glory of the Creator and the relief of man's estate;" that we are bound to render to Him "both thanks and use."

And here let me at once say that I desire to institute no comparison between the mental abilities of boys and girls, but simply to say what seems to be the right means of training girls, so that they may best perform that subordinate part in the world to which I believe they have been called.

First, then, I think that the education of girls has too often been made showy, rather than real and useful—that accomplishments have been made the main thing, because these would, it was thought, enable a girl to shine and attract, while those branches of study especially calculated to form the judgment, to cultivate the under standing, and to discipline the character (which would fit her to perform the *duties* of life), have been neglected; and thus, while temporary pleasure and profit have been sought, the great moral ends of education have too often been lost sight of.

To the poorer classes the daily toil and struggles of their early life do, to some extent, afford an education which gives earnestness, and strength, and reality; and if we would not have the daughters of the higher classes idle and frivolous, they too must be taught to appreciate the value of work. We must endeavour to give them, while young, such habits, studies, and occupations, as will brace the mind, improve the taste, and develope the moral character. They must learn, not for the sake of display, but from motives of duty. They must not choose the easy and agreeable, and neglect what is dull and uninviting. They must not expect to speak languages without mastering the rudiments; not require to be finished in a year or two, but impatiently refuse to labour at a foundation.

The object of the following paper being to elicit not only a theoretical but a practical answer to the question proposed in this Department, I will speak as briefly as possible of the *matériel* principles and method pursued in our college.

I am sure it is but little suspected by many, how greatly the mere rudiments of education have been neglected, whilst a fair external

show has been made. I will illustrate my meaning from my own experience. I must premise that it is my practice, when a pupil enters, to ask her to write on some historical or geographical subject. I set an easy sum in the last rule which she professes to have learned, and give a few tenses of French verbs, &c., as the case may be. These papers, for the last few years, I have carefully preserved, and arranged them according to the age of the writers. I will not speak of those written by junior pupils, from whom of course we expect many faults, but take those written by pupils above 15 years of age; of these I have 47. I turn first to the arithmetic, a subject professedly taught in all schools, with what success you will judge by the following table :—

	No. of Pupils who professed to have learned		
Fractions . . .	7	sums set	all wrong.
Rule of Three or Practice	17	,,	all wrong.
Comp. Long Division .	11	,,	10 wrong.
Comp. Short Division .	1	,,	wrong.
Comp. Multiplication .	4	,,	all wrong.
Simple Multiplication .	2	,,	both right.

We next take the French, a study which, in a girl's education, occupies an important place, and may therefore fairly be considered a test. Three were not to learn the language, and we may charitably hope they were perfect, for only three out of the remaining 44, were able to write correctly the few tenses set. One of 17 years old, and another 15, failed to write a single word correctly; nine failed, even in "*avoir*" and "*être*."

Lastly, as regards English spelling, I think there are only five of the 47 papers which contain no error, four are marked as *very bad*, five as bad in this respect. We must remember, too, that these errors appear, not in a dictation containing difficult selected words, but in a few lines written on a given subject.

Those who are unacquainted with our college will of course think that our pupils must come from a very low class. To show that this is far from being the case, I add a list which I drew up from our nomination book, a few months ago, for Her Majesty's Commissioners.

Daughters of officers in the army, about . .	·27
Private gentlemen	·27
Clergymen	·20
Medical men	·8
(Or, including military, 17)	
Civil service	·6
Lawyers and barristers	·4
Bankers	·2
Naval officers	·1
Various, as merchants, manufacturers, surveyors, &c.	·5
	1·00

I have a set of papers written by girls much younger in St. Paul's district school here, which are greatly superior.

Certainly, if we looked for brilliant results, we should be discouraged, and the difficulty of teaching pupils of 15 to 18, who are ignorant of the rudiments of an ordinary education, and yet could not be taught in a class with those many years their juniors, is very great; it obliges us to have a large staff of teachers, so that they may be instructed in that which we must take it for granted is known to the class.

We may well ask how is such a state of things possible? How is it that the daughters of the higher middle class are more ignorant and untrained than the children of the national schools? I think one cause is that parents have too often trusted, when they should have inquired; they frequently spend from £100 to £200 a year on sending their daughters from home; during the holidays they hear the piano, they see the drawings (not always the pupils' own) but how often do they institute any inquiry into the progress made in any other branches; or, if unable to undertake it themselves, how rarely do they care that there should be a system of examination to see whether the work is properly done. They are afraid of popular outcry, afraid of the excitement, afraid that their children should take a low place, forgetting that (if the examination be conducted without any of the improper excitement of publicity) it is also a test and means of moral training, since those who work from the right motives simply do their best, and are not over anxious about results. I do not desire that there should be a system of competitive examination, but a general testing of the work done, and if this cannot be responded to in a quiet lady-like manner, it does not speak well for the moral training of the school.

Another cause is that girls are often placed in an inferior school, or under incompetent governesses, or allowed to work in a desultory way until they are 14 or 15. Plans and governesses and schools are changed for a passing fancy, and then they are sent to one with a high reputation, this it is thought will be enough for them, "as they are not required to be learned ladies."

I ask whether a boy educated on this plan would be good for much; would he or would he not be likely to have acquired habits of lazy self-indulgence? And is a girl so trained likely to prove a diligent and wise and thoughtful woman?

Lastly, a girl usually leaves school altogether, and too often throws aside serious occupations at an age at which her brother enters on his college life. When she is just beginning to see the use of much she had previously found dull and monotonous, when, more than at any previous time, a taste for good reading and useful pursuits might be developed.

Before proceeding, I may perhaps presume upon my somewhat wide educational experience to say something upon the relative advantages of the home, school, and college system. For some

years I was educated by governesses at home, I have been at school in London and Paris. For one year I was head teacher in a boarding school of 100 pupils; for seven years I was teacher at Queen's College, London; for seven years I have been principal of the Ladies' College, Cheltenham. Both in London and on the continent, especially in Germany (where it is most usual for the pupils to live at home and attend school) I have taken every opportunity of inquiring into different systems, and my verdict is decidedly in favour of the college system, that is to say, when, and only when, the internal arrangements of the college, and the moral training of the pupils are in the hands of a lady. Of course I must expect to be regarded as a prejudiced person, but it does seem to me that a system which combines home life with school discipline, which brings a girl into contact with many, without necessarily making her the intimate companion of any, which gives her opportunities of observing character before she is called upon to judge in the battle of life, whilst parents are able to correct what is wrong, and so confirm what is right in those judgments, must be one more generally suitable than either of the others.

Of course when children are educated at home, and an anxious mother daily sees and suffers from her children's faults of temper and disposition, she will be tempted to think she had better give up the training into other hands, and send them away. Doubtless this is sometimes wise, often unavoidable; but how frequently, without necessity, is the burden of parental responsibility temporarily cast aside, only to press with tenfold weight in later years. How many parents have learned bitterly to regret that they removed a daughter from the divinely appointed influences of home, and severed by long separation those bonds of affection which might have checked the young in the hour of temptation, and been the support and comfort of their own declining years.

Should there be no college in the neighbourhood, still I consider that the college system offers greater advantages than a boarding school usually can, when the boarding-houses are such as we have endeavoured to make them. Too often in a school, the mistress, fatigued with the morning's teaching, is glad to leave the children alone, or to the care of inexperienced teachers; she is ignorant of what goes on during the greater part of the day. The lady appointed by the council to be the head of the boarding-house, has the morning hours free, but she is required to devote herself to the care of the pupils whenever they are not at the college.

Either she herself, or one of the college governesses, invariably accompanies them to and from college. She has to see that the hours of preparation are observed, and that exercises and lessons are properly prepared. I need hardly add that she must be a lady in manners and education, and willing to consult and co-operate with the principal in all things relating to the physical, intellectual, and moral good of the pupils. I by no means maintain however,

that our system is suited for all without exception; when I find one for whom I consider it unsuited, I am the first to desire her removal.

And here I may perhaps notice a few points in which I consider the college system offers advantages, and some in which ours differs fundamentally from other ladies' colleges. First, we take many precautions before admitting a pupil, and the council exercises a double veto.

First. A shareholder is liable to be balloted for; when he has a share he may nominate one pupil, but only subject to the approval of the council. A nomination paper must be sent in stating the name, address, and profession of the father, giving references, &c.; if the council are not perfectly satisfied, the child may be excluded.

Secondly. The college, although governed by a committee of gentlemen, is, as regards internal administration, strictly under female management. When this is not the case, the manners of the pupils must suffer; besides, there are innumerable apparently trifling details, which are yet important in a girl's education; many lessons of daily life that only a woman can teach.

Thirdly. An institution of this kind can offer guarantees for the character of the education given, which private institutions cannot; and it can secure the services of gentlemen who would not spend their time in private teaching.

Fourthly. The members of the council having no pecuniary interest, are simply anxious for the good of the institution; they have no views of profit, and are therefore always ready to make grants to the full extent of the income for any object likely to improve the education or the efficiency of the college. They endeavour to secure the services of the best teachers; they give them by capitation fees an interest in the success of the institution, and they select annually examiners of the highest character to examine and report upon the instruction given.

Fifthly. In a large institution girls are enabled to measure their own powers in a way impossible in home tuition, and thus much conceit is rooted out; and when the moral tone in a school is high, an influence for good is exercised, and the character is strengthened.

Sixthly. Where the constitution is fairly good there can be no question that the regular walks are beneficial to health, and the objection as to going backwards and forwards, at first considered so serious, is now much less frequently heard.

I must now add a few words on the special constitution of our college, and some warnings suggested by experience. First, the machinery of proprietary colleges is somewhat complicated, and it is liable to get out of order. Thus for example, if the shareholders agitate, when a measure does not at once commend itself to their judgment, they may interfere with the efficiency, and endanger the existence of the institution. Secondly, none must attempt to carry out reforms in education, unless they have faith enough in their own

system to work on quietly for a time, in the face of popular opposition, and unless they have capital to fall back upon.

The capital of the college at its opening, January, 1854, was about £2,000; in December, 1858, the estimated assets, as shown by the balance-sheet, were £901, giving a loss of £1,100 during the first five years, or an average deficit of £220 per annum.

During the first two years after my appointment the average deficit was about £91, and the assets were reduced by December, 1860, to £719. The council then decided to raise the terms, and this, together with the gradual and steady increase in the number of pupils, has placed the finances in a satisfactory condition. The average number of regular students has been as follows:—

1859	72
1860	78
1861	99
1862	117
1863	126
1864	122

The assets last December were £1,646, showing an average surplus on the last four years of £232 per annum.

There are altogether 150 shares held by 107 shareholders, who have the right of nominating one pupil upon each share, and attending the annual meeting. The executive council is appointed by the general meeting, and consists of a president, vice-president, and seven members. Any vacancies occurring in the course of the year are filled up by the council, and the appointment must be confirmed at the general meeting. The council has the entire control of the finances, the reception or rejection of nominations, the appointment or dismissal of teachers, and all that relates to the external government, and to the admission of pupils.

The principal is responsible for the internal government, with which the council never interfere, and although the council appoints teachers, the principal recommends; in other words, the council merely reserve to themselves a veto.

The pupils are arranged in three divisions, and on their entrance it is determined by examination to which they shall be assigned.

There are nine regular English teachers, one French governess, and one German. Lessons are also given by professors in natural science, astronomy, English literature, physical geography, English language, French, drawing, music, and dancing.

To avoid the vexatious extra charges which often form so large an item in school bills, the council have made the terms inclusive of all subjects which belong to the course of study and are suitable for class teaching. The only extras are, therefore, music, singing, and dancing lessons. The terms for Division I. are 22 guineas; for Division II., 17; and for Division III., 12.

Division I. includes four classes. The average age of the pupils is from 15 to 18 or 19; it usually contains nearly 40 pupils; last

year an average of 39. The majority of these take the ordinary course of study, but others, for whom regular school routine is no longer necessary, are allowed to select special subjects. The upper and lower first are under the immediate care of the principal; the upper and lower second, of her sister. Division II. contains six classes, the pupils varying in age from about 11 to 16. Division III. contains two classes of little children from about 6 to 12.

Each governess has the sole management of the one or two classes assigned to her, not only to carry out the general discipline of the college, but to make herself acquainted with the character and abilities of each of her pupils, and to meet any special difficulties as far as may be. Thus, one may be backward in French; in that case she is not allowed to join the German class, but extra French work is given instead. Another may not wish to learn drawing; the vacant hours will then be filled up by some other study. Another, being backward in English, but forward in French, it is arranged, if possible, for her to attend a higher class. Another, not being in good health, or being less quick than others, is unable to accomplish as much as her companions, and some one study is dropped.

Every variation from the rule is entered in the time-table given to each pupil by her governess, and thus there is as much care and thought given to each as there would be in a small school. Of the evening time-tables I will speak presently, but I may perhaps add here that every parent is specially requested to inform the principal should the work given appear to be too much. Whenever this is found to be the case, the amount is diminished. When pupils were required to attend twice a day, and prepare their lessons in the evenings, complaints of this kind often occurred; now they are scarcely ever heard.

I have only to a small extent assigned special subjects to special teachers, but rather kept to the public school plan of committing to the care of one teacher, say, on an average, 12 to 20 pupils (in Division I. sometimes more, in Division III. always less). The class governess has of course assistance in drawing, French, and German. She invariably gives the Scripture lessons, and is responsible for the intellectual and moral condition of her class; in all cases of difficulty she consults with and appeals to the principal. Her pupils are immediately under her eye. A general supervision is however exercised by the principal; she rarely leaves the school-room, where nearly all the classes are assembled, and her attention would be attracted by any irregularity, or want of submission and attention.

The pupils below Division I. are brought into immediate contact with the principal by receiving from her, besides occasional lessons and examinations, a Scripture lesson once a fortnight, and she is kept informed of the character and work of each pupil by a frequent inspection of the exercise-books (which are brought to her by the class governesses once a fortnight) and by reading each week, in the presence of the pupils and the class teachers, the marks obtained.

And here I may say, that we regard the education of these children as worthy the best efforts of our minds, and not as mere routine work. This I would impress not only on my coadjutors here, but upon all our profession. The physician, the barrister, labours at his work, and thinks no effort too great to promote the benefit of those who consult him; but our office has been despised, and the training of children has consequently suffered. To sit so many hours in the schoolroom has too often been considered sufficient, whilst the labour of thought has been evaded, and reading neglected.

We have no punishments, in the ordinary sense of the term. Too often, when arbitrary punishments are attached to certain offences, a child learns to regard the punishment or fine as in some sense a compensation—to think she may disobey, provided she is willing to pay the price. Our punishments are, as far as may be, the necessary consequence of a fault of omission or commission. Thus for example, if a lesson is imperfectly learned, we do not add to it, but there necessarily follows the trouble and inconvenience of preparing it at another time, as the teacher has no leisure to hear it again during the morning hours; the delinquent must go to the principal, and write her name in a book kept for the purpose; she must return in the afternoon, take her place in a certain set of desks, and remain there until the lesson is finished. Or again, if confidence is forfeited by an underhand act, then a place is assigned, not in any way prominent, but still more immediately under the teacher's eye. This is felt, and rightly, to be a serious matter, for it expresses that the child is not trusted. She knows that we cannot trust one who has given us cause for distrust, until indeed, time has shown repentance; and she knows we cannot pretend to trust when we do not. The special treatment of moral offences, such as falsehood and wilful disobedience, is a subject on which I cannot enter here. Of course, in every case, we lay the matter before the child, show the wrong and its consequences, and I believe, when the teacher is really in earnest and cares for the child, that such a conversation rarely fails to have the right effect. We generally find we can, without punishment, bring the pupil to acknowledge and repent the wrong; but if a child, after repeated attempts, is still found not to be trustworthy, it is better she should leave.

Except the prizes assigned by the examiners once a year, we have no tangible rewards. The weekly marks are simply read. They have no influence upon prizes, nor even on place in class, which is given once for all at the beginning of a quarter on the marks gained at the written examination.

Once a year however, prizes are given to the pupils in each class who obtain from the examiners the highest number of marks. I was opposed to this custom, I did not think it necessary to make pupils work, they seemed as earnest and painstaking before prizes were given as since. I felt it was better they should work from the love of knowledge, or a simple sense of duty; but the council took another view, and as there is much to be said on their side of the question I

yielded. In life, prizes must be to a great extent the reward of thoughtful industry, and it seems to me that on the one hand we may thereby teach the children to put success at its true value, and point out to them that it is at the bar of our own conscience alone that we must stand approved or condemned; that on the other hand they may learn to bear disappointment patiently. I do not find that prizes create any feelings of jealousy or ill-will, nor can I blame a child who looks forward with pleasure to carrying home to her parents this proof that she has tried to do as they would have her. It appears to me a matter of less importance than is usually supposed, and in any case can affect only a few pupils at the head of a class. Stimulants to exertion however, are rarely needed. There are very few who are not interested and earnest in their work, and our difficulty is more frequently to check too great zeal, and to insist upon the observation of those limits we place to the time devoted to study than to demand more.

Reports of attendance, progress, and conduct, are sent home quarterly, and upon these are also entered from the "late and return books" the number of times a pupil has failed in punctuality, or brought a lesson imperfectly prepared. The little children of Division III. take home a book of their marks every week. As regards the details of instruction, I may perhaps mention some special points; first, as already said, nearly all the classes are held in one large schoolroom, it is 69 by 30 by 18; it opens at one end into the dressing-room, through which the pupils enter, and at the other into a supplementary room (20 by 30), where drawing and calisthenic lessons are given. This large room is lighted by 16 windows, it is heated by hot air, but there are also two open fire-places which help to change the air, and several ventilators. The rooms look upon the garden and south-west, thus the aspect is warm, but in summer we are not troubled with the morning sun. Besides these rooms there is one in which the first class often assembles, one specially devoted to the little ones, and four used occasionally.

The hours are from 9·10 till 12·55 for all, except during November and December, when the classes meet later. A few minutes' interval is allowed about 11 o'clock; the junior classes take a turn in the garden if the weather permits; in all cases the lessons are so arranged as to afford sufficient rest and variety, *e.g.*, all have a calisthenic lesson twice a week; part of another morning is devoted to drawing; music lessons make a change from the class teaching, and the younger pupils have also some needlework. The afternoon hours for preparation of lessons (except on half holidays) are from 2·45 till 4·15. Two governesses are always in attendance, and all whose parents prefer it may, without extra charge, prepare their lessons at college. Many who live near do so, others are glad to be spared the fatigue of returning. Those who are backward in any particular subject, those who require "finishing," and have no good foundation laid, those who require teaching how to learn, are glad

to come. All who have returned lessons are necessarily present, but occupy different seats.

We take advantage also of the afternoon hours to pursue special studies not included in the regular course, *e.g.*, Latin and Greek. There are also music lessons and extra drawing lessons, sketching classes out of doors, or concerted music classes.

To return to the morning hours. Every pupil has one particular desk assigned to her, in which she is always to be found, except when in class; her seat is always near her class teacher; great quietness of manner and voice is insisted on, and as there are sometimes nine classes going on at once, this is strictly necessary for the community, as well as desirable in itself; having her pupils around her the teacher has ample opportunity of observing their conduct, of checking faults of manner, &c. During school hours, and in the dressing-rooms, no speaking is allowed without permission. To those unacquainted with our college this rule will probably appear absurdly strict. I had at first many doubts about its expediency, but I have found it valuable.

First. It is a great means of teaching self-restraint; and surely one thing that women should learn is "to keep silence" when they feel inclined to speak. Second. It helps to form a habit of strict obedience, of conscientious regard for little things. The rule would be dangerous, if permission were not granted within reasonable bounds, but it prevents gossiping, and enables girls to attend a large school without being exposed to the temptations often incident thereto.

Those who prepare their lessons at home are provided with a card, on which the evening work for each day is entered. It is arranged by each class governess at the beginning of the quarter, and the approximate time required is entered—it is then sent home to the parents, who supply the hours at which the preparation is to begin and finish. The hours fixed may of course be departed from at the option of the parents if necessary, but the card forms a guide, and we desire to be informed should the time spent in preparation much exceed or fall short of that assigned; such alterations are then made as may be considered necessary. A dawdling child is perhaps invited to come in the afternoons, that she may learn how to work—something may be taken off the work of one who is naturally slow, and greater excellence or more work is required from those who are too rapid. As regards the lessons given in school, they are not strictly lectures in geography, history, &c., some book is taken as a guide, the pupils are thoroughly examined on the passage set, and the teacher then proceeds with the lessons, giving as far as possible the results of recent travels, the most important points from voluminous histories, &c. In the higher classes notes are sometimes taken, and the lecture written from them; sometimes the pupils are not allowed to write during the lesson, but a few heads are given, and the subject worked out from these. The notes of every lecture, as well as all exercises, are thoroughly corrected, and signed by the

teacher responsible for the correction. For Euclid and the theory of arithmetic no book is allowed, lest the proposition should be learned by heart—the pupils, are as far as possible, led to find out the demonstration for themselves—should they be unable, it is given *viva voce*, and written in the teacher's presence ; sometimes it is necessary to go over the proof many times before it is understood, but only new pupils are found to yield to the temptation of saying "Yes" when they do not understand, as this method is sure to bring ignorance to light. German is made with us to occupy in some degree the place which Latin takes in a boy's education. Great attention is paid to the declensions and grammar, interlinear translations are written, and a pupil who betrays a tendency to inexactness, is required even in the higher classes to construe.

Every one must have a word-book, and enter those not known ; in the higher classes this is divided into three columns, one for the word —the second for the derivation or root—the third for the English ; before the translation lesson is begun, the teacher ascertains whether these words have been learned. For pronunciation certain small portions, usually of poetry, are selected, and repeated by the teacher until the pupil has caught the accent ; a few lines treated in this careful way are more useful than many pages read in the ordinary manner. Exercises are written as usual, and corrected by the teacher, who marks a number against each fault. Before writing a fresh exercise, the paper is folded in two—in one column the sentence in which a mistake has occurred is copied correctly, the words that were wrong are underlined, and the number of the fault written against it—in the other the rule that was broken is written out.

A portion of a lesson is devoted once a week to the explanation of those faults which are not the result of carelessness. The difficulty of taking a study by no means universal, as a principal subject, has been to a great extent obviated by fixing what are called simultaneous hours, so that pupils from various English classes can attend the same German. The regular class teachers assist, both with French and German.

Spelling and arithmetic are the two subjects which perhaps cause us most trouble, owing to the almost incredible deficiencies of pupils who come to be finished. The plan we pursue is the following. We give dictation scarcely at all, and then only after preparation, since writing a word incorrectly for the first time is very likely to fix it in the memory. We let young children copy a good deal from books ; the middle classes learn poetry by heart, and write it from memory once or twice a week ; this teaches them, besides spelling, habits of great accuracy, attention, and neatness. Throughout the college, to the very highest class, every pupil who makes a mistake in note-books, examination papers, &c., is required to write out one column of the word misspelt. In difficult cases, special private lessons are given in the afternoons, or at spare times, on derivations.

In order to make sure that the lessons are understood, it is our

practice, in all except the lowest division, to give every week a written examination in some one subject. This we find most useful, but it involves a great deal of labour to the teacher. It gives the pupils facility in composition, and since they are required to write on subjects in which they are interested, it teaches them the value of exact knowledge, for vague sentences are valued at less than nothing; also it shows the teacher how far she has been understood. An hour is always devoted to the giving out and thorough criticism of these examination papers in the presence of the class, and errors of matter, style, and spelling are dwelt upon. Every quarter, throughout the college, there is a general examination, which lasts a few days. Every year external examiners are appointed, as before mentioned.

Music is taught in the usual way, by private lessons; but there are also classes for the practice of concerted music, to which only advanced pupils are admitted. There may be from 4 to 12 performers, two to each piano; thus the pupils are enabled to obtain an intimate acquaintance with those works of the great masters (as Cherubini, Bach, Haydn, &c.) which are usually performed by an orchestra, and this promotes also, decision, accuracy, and facility in reading. Twice a year we have a musical examination, *i. e.*, each pupil is required to play some one piece in the presence of her companions and as many parents as wish to attend; no strangers are admitted.

Drawing is taught from copies and models. Frequently in the course of the summer sketching parties are formed, and lessons given by the master out of doors. Once a year drawings are submitted to an examiner, and prizes awarded; but no drawings are sent in which have been touched in the slightest degree by a master.

We have a room specially fitted up for calisthenic exercises, and an experienced teacher attends two mornings in the week. This we consider very important for the health of growing girls.

In conclusion, I sincerely hope that the inquiry into the important subject of girls' education, which has been instituted by the Royal Commissioners, and the discussions of this Association, may be productive of much good. I believe that all who have any real acquaintance with the subject see the necessity for some sort of inspection, and differ only about the mode. I do not think the plan for admitting girls to the same examination with boys in the University local examination a wise one; the subjects seem to me in many respects unsuited for girls, and such an examination as the one proposed is likely to further a spirit of rivalry most undesirable. I should much regret that the desire of distinction should be made in any degree a prime motive, for we should ever remember that moral training is the end, education the means; the habits of obedience to duty, of self-restraint, which the process of acquiring knowledge induces, the humility which a thoughtful and comprehensive study of the great works in literature and science tends to produce, these we would specially cultivate in a woman, that she may wear the true

woman's ornament of a meek and quiet spirit. As for the pretentiousness and conceit which are associated with the name of "blue-stocking," and which some people fancy to be the result of education, they are only an evidence of shallowness and vulgarity; we meet with the same thing in the dogmatic conceit of the so-called "self-educated man," who has picked up learning, but has not had the benefit of a systematic training and a liberal education.

I am sure that a great reform is needed, I believe that the faults of manner and character which some imagine to be the evidence of over-education, are the results of ignorance, and that in well-educated women, as in men, we shall find the results of a right education to be gentleness of manner, unselfishness, humility, and a more cheerful and entire obedience to rightful authority; not pride of intellect, but a subduing sense of the great responsibility which all God's gifts involve.

I fear we have but small cause for self-gratulation when we look at the kind of literature most in demand at our lending libraries, and remember that girls are the greatest readers of sensation novels; but little cause for saying we need no reform when we look at the revelations of domestic life in the newspapers. As a mere question of bodily health too, I am sure the subject demands consideration; for one girl in the higher middle classes that suffers from over work, there are, I believe, hundreds whose health suffers from the feverish love of excitement, from the irritability produced by idleness, frivolity, and discontent.

This subject—I mean the influence of a right education upon bodily health—merits more consideration than it has hitherto received, and it is now attracting much attention in Germany. It is argued that since mental emotion in some cases is able to produce death, in others disease, and in all of us temporary functional disturbance, then we are acting unwisely in attacking the symptoms only; we must "minister to the mind diseased." I will not add more on the subject now, but commend it to the consideration of the section.

It has been well said that every teacher ought to be a physiologist, for while on the one hand a system of overtasking the powers cannot be too strongly deprecated, on the other serious evils (especially in the case of girls) have resulted from a hasty recommendation to throw aside for a long period all study, when a temperate and wisely regulated mental diet was really required. I am persuaded, and my opinion has been confirmed by experienced doctors, that the want of wholesome occupation lies at the root of much of the languid debility of which we hear so much after girls have left school. The two are closely connected: *mens sana in corpore sano.*

I had wished, in conclusion, to say something on the subject of female education in relation to its historical aspects, but I will only quote the words of one who has thought far more deeply and laboured much longer in the field than I have done.

"There are a few endowed schools where girls are fed and clothed, and taught to read and write indifferently; and a few schools have been lately established and maintained by public subscription where orphan girls can obtain superior instruction; but the numerous foundations of ancient endowment for the religious and intellectual education of young females, scattered over the country in the middle ages, were all swept away at the dissolution of religious houses in the sixteenth century. The great ecclesiastical foundations for men were reformed and re-established on an improved system, but the rich endowments for the benefit of women were either seized by court favourites or transferred to schools and colleges for men, and our sex to this day have not recovered from the fatal blow. For a few years the women educated in these ancient schools added lustre to the England of Elizabeth. "Their French might be the French of 'Stratteforde atte Bow,' rather than that of Paris (and perhaps they were none the worse for that), but their acquirements kept pace with those of their brothers. The next century witnessed an eclipse, and the ignorance of the following ages led, by an easy descent, to the profligacy of many succeeding generations. It is only since the accession of Queen Victoria that there has been any encouraging prospect of revival. I most heartily wish success to all who are willing to befriend the good cause of superior female education, which was an object of my heart's desire in the last century, and was the dream of my early childhood."

What Better Provision Ought to be Made for the Education of Girls of the Upper and Middle Classes? By ELIZABETH WOLSTENHOLME.

OUR present inquiry involves at its very outset a preliminary question, without a settlement of which we shall remain as far as ever from any satisfactory conclusion as to the one immediately before us. What is a true and complete education? Shall we say that education is that combination of agencies or processes by which the human being is prepared to discharge worthily and wisely all the varied claims of personal and social duty, and to find in those duties occasion for the fruitful exercise of every faculty and opportunity for the perfection of personal character? We need not here discuss the question, interesting as it may be, whether society exists for the sake of the individual, or the individual for the sake of society. All modern experience agrees in this—that the unsocially developed character fails of its highest perfection, and that the most perfect society is but the aggregate of the best and wisest individuals. But if we accept such a definition of education as this, it follows that we have a measure by which we can try, at least in gross and in its general results, the value of the claims of each subject and method of study. Those studies must be the best which bring us most into sympathy

with human beings, and which enable us best to understand and to serve them; those methods must be best which best develope the qualities of highest service to mankind. If it should prove that our present systems lead us in the true direction, we may be well contented with them as relatively perfect; but should they prove to be based on unsound principles, and to lead to worse practice, then is it time to consider to some purpose how this may best be remedied. What, then, seen from this point of view, is the worst defect of female (possibly of all) education at the present time? Is it not that it appeals too much to vanity? That instead of resting upon sympathy, the grand social virtue, it is too often rooted and grounded in selfishness? From the first lessons in the nursery to the latest school-room drill, it is often one continuous preparation for social display, less often for social service.

Truth is another of the great social virtues. How should a woman's education, as ordinarily conducted, foster her love of truth? The direct influence of the slovenly methods of teaching too much in use must be to train to habits of untruthfulness. Where there is half knowledge, trickery, deceit on the part of an unqualified teacher, what must be expected from the pupils? Is it not true that the demoralisation of character consequent upon careless and incompetent teaching and superficial learning, is incomparably more mischievous than any lack of positive information?

Need we speak of justice, the crown and flower of all the social virtues? How should women be just? How far does their education prepare them for a clear apprehension of the relative merits and claims of others, that justness of perception, upon which alone justice in action can be based? What breadth of view, what liberality of sentiment, what superiority to prejudice can be expected from an ordinary woman under ordinary circumstances?

In so far as the present condition of female education is unsatisfactory, the cause appears then to lie chiefly in false notions on the part of both parents and teachers as to the true scope and purpose of education—a mistake so fertile in evil consequences, that we might perhaps say that it is the one ground and occasion of all other mistakes, and that when once a juster view is acknowledged and acted upon, we shall be in a fair way for all other improvements; but till then amendments in detail can produce no permanent advance. In this matter we cannot expect society to make all at once a rapid progress, but may be well content if little by little sounder views gain ground.

There are, however, certain practical measures which admit of present consideration, and perhaps of immediate action. Among these the testing of teachers occupies an important place. Whilst there are many teachers thoroughly in earnest in their work, trying to do their duty, it remains sadly true that no profession is more disgraced by incompetent members. In part this is a passing evil, which time will remedy—an evil arising from the exigencies of modern society, which demand that a greater number than ever of

women of the middle classes should be self-maintaining, conflicting with certain foolish theories which made it a degradation to a woman of those classes to earn her own living. The position of a governess seeming to offer more of the shelter and protection of a home than did many other pursuits, it has become the resource of multitudes every way unfitted for the work they have thus taken upon themselves. How best to protect the public from such is a question of great interest. Possibly a scheme of examination may be devised which will guarantee some degree of qualification on the part of teachers. Let us admit at once that no examination whatever can test all the qualifications of a good teacher, and that it by no means follows that the first on the examination list would be the best in the school-room; it yet remains true that there are certain qualifications scarcely less essential that an examination can test, and that we should thus securely eliminate a vast mass of incompetence.

Until a comparatively recent date our middle class schools were left destitute of any external test or guarantee whatever. We need not recall, now that the era of improvement has set in, the former condition of many of these schools. Much of the improvement is due to the multifold system of examinations which has sprung up throughout the country, and which cannot fail to exert an enormous influence on middle class education. But the improvement ought not to be confined to boys' schools. The agency which has shown itself so potent for good in their case, admits of being applied with like valuable results in the improvement of the education of girls. Nor need there be any long delay in making the experiment, now that the Cambridge Local Examinations have been extended to girls.

It is an admirable feature in the University Local Examinations that they make imperative a reasonable amount of accurate knowledge and careful work in those elementary branches of education which in girls' schools, perhaps even more than was ever the case in boys' schools, are apt to be neglected, whilst, on the other hand, the number and variety of the voluntary subjects allow of great latitude in the gratification of individual tastes and the development of individual talents. It can only be by free experiments such as these, carried on in good faith and with persevering industry, that we can arrive at any real certainty as to what knowledge and what mental discipline are best adapted for women, and most needed by them. We must protest against any prejudging of a question so important to the best interests of society. We desire, on behalf of girls and women, the utmost liberty of experiment, feeling assured that under such conditions alone can the true process of natural selection develope that which is best.

The brief period of a girl's life allowed to be devoted to serious study is a great hindrance to the adoption of the best methods of teaching. Something of this evil is perhaps due to the present extravagance of school-fees. It may be possible, by various methods of combination amongst teachers, to secure a wiser economy, and

this is perhaps one of the matters which an actively co-operative board of teachers might most usefully consider and experiment upon. At present, it is too much the fashion to consider a girl's early education as of no moment whatever, and to expect a couple of years' expensive instruction to correct all defects. On the other hand, the finishing process is brought to a close at an unreasonably early age. When a girl has learned in the school-room how to learn, and has acquired a real love of knowledge, she has done much, and in spite of many hindrances, this is sometimes accomplished even now. Why, then, should the next few years of her life be spent in carefully undoing the work of the school-room? Is it necessary that the first years of opening womanhood should be consecrated to frivolity, often to the utter disgust and weariness of the unhappy victim? When will it be understood that the only guarantee for happiness is to have real and unselfish interests in life, and that frivolity is at once selfish and unreal? Are we never to have for women the equivalent of the university training, and of the discipline of early professional exertion which prove so profitable to most men?

An outcry is sometimes raised against what is called over-education. We are told of fading health, broken spirits, and increased cerebral disease. All this, it is said, is the result of your advanced and improved systems of education. We take leave to deny the charge. Memory may be sometimes burdened, sedentary pursuits too much indulged in, physical training neglected; but this is the fault, we venture to say, not of over-education in the pupil, but of under-education on the part of the teacher. No person ought to direct the studies of young people, who is not well aware that a true education involves the harmonious development of all the powers of the human creature. This, at least, we are inclined to believe, that amongst women, at the present time, a hundredfold more illness might be traced to a lack of healthful mental stimulus, than to its too free application. The best corrective of any excess of the latter kind lies in the careful fulfilment of the daily social or domestic duties, which fall, or ought to fall, to the lot of almost every woman.

In what then do these views bear upon the question before us, "What better provision ought to be made for the education of girls of the middle and upper classes?" The primary necessity is to ensure the fitness of teachers by the best methods of examination that can be devised. It must also be desirable to apply a practical scheme of examinations of pupils, to test and improve the quality of the instruction given; to extend at both ends the period of systematic instruction, in connection with which it would be well to consider the application of endowments, and the practicability of co-operation amongst teachers to lessen expense. The working range of our present Ladies' Colleges should be widened, and their numbers increased, whilst, if possible, some means should be attached to them of teaching how to teach. In the last place, we would offer to women as well as girls, the opportunity of real study, and the means of satisfactorily testing their acquirements. It is hoped that ere long,

the University of London will lend a helping hand in this matter. If so, it is much to be desired that the examinations for women may be not less searching and comprehensive than those of men.

THE EXTENSION OF THE FACTORY ACTS.*

I. Factory Schools, and Education under the Print-works' Act. II. The Children's Employment Commission (1862). *By* H. SEYMOUR TREMENHEERE.

I.

THE late Mr. Senior (by whose death the cause of human progress has sustained a most serious loss) presented to the Commission for Inquiring into the state of Elementary Education in England—of which he was a member—a series of Resolutions which he proposed as foundations for their Report, and which were published with the other proceedings of the Commission. ("Resolutions and Heads of Report," by Mr. Nassau William Senior, February 9, 1860.)

In the pamphlet containing these Resolutions there are chapters on the following important subjects :—

1 and 2. The improvement of factory and print-work schools (p. 103).

3. The rendering it possible that children employed in businesses now unregulated should receive education (p. 119).

On the subject of the education given at the factory schools, and under the Print-works' Act, I will confine myself to a brief recapitulation of the conclusions arrived at by Mr. Senior, in order that the fact may be kept in mind that the defects pointed out regarding one of these subjects—the Print-works' Act—have not yet been corrected. In the case of the factory schools attended by the half-time children there was great cause for the conclusion arrived at by Mr. Senior, from the evidence before him at that time, that the education received by the half-time children was very defective; and he accordingly proposed a means of making it effectual. But since the period to which that evidence refers there has been, as I have been informed by both the inspectors of factories, Mr. Redgrave and Mr. Baker, a very great improvement; and so much have the schools in general improved, and so ready are the manufacturers

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* See *Transactions*, 1859, p. 363; 1860, 379, 418.

to send the half-time children to the best in their neighbourhood, that the factory inspectors are satisfied with the law as it is. All the badly furnished and ill-taught schools are said by them to be fast disappearing, and they believe that in a short time half-timers will be found attending none but the best local schools.

As regards the education clause of the Print-works' Act the evidence adduced by Mr. Senior as to its inefficiency is conclusive.

The Act merely requires that a child between the years of 8 and 13, if employed in a print-work, should, during each half year, attend school for 150 hours, to be scattered over 30 days in each half year, not more than five hours to be reckoned in one day.

This school-attendance, except in the comparatively rare instances in which the employer "carefully looked after it," or in which the legal minimum of attendance was voluntarily exceeded, has been found, in the great majority of print-works' children, to be of no practical value. What was learnt at one period was lost before the next came round, where the intervals between were those of some months; and the desultory attendance, where it was more frequent, had but a little less delusive result.

In October, 1855, the four inspectors of factories unanimously recommended that the difference should be put an end to between the mode of dealing with the print-works' and the factory children, and that consequently the former should be brought entirely within the half-time system. Mr. Senior does not venture to say that this proposal should be adopted by the Commission of which he was a member, and recommended in their report, but he desired that the Commission should affirm that the Legislature was bound to persevere in its purpose of securing the elevation of the print-works' children, although it might alter its means.

The additional ten years' experience since 1855 has only strengthened the convictions of the inspectors of factories; and I am informed by them that there is really no reason why the half-time system should not be carried out in the print-works, and that there is great need that it should be.

The third subject dealt with by Mr. Senior in the resolutions above referred to, was the question whether it was possible that children employed in businesses now unregulated should receive education.

In presenting that subject for consideration, Mr. Senior recapitulated the main facts placed on record by the Children's Employment Commission, appointed in compliance with an address of the House of Commons, of the 4th August, 1840, and which made its report on the 30th of January, 1843.

In that report the Commissioners state—

"That instances occur in which children begin to work as early as three and four years of age; not unfrequently at five, and between five and six; while, in general, regular employment commences between seven and eight.

"That the persons who employ mere infants and the very youngest

children are the parents themselves, who put their children to work at some processes of manufacture under their own eye, in their own houses; but children begin to work together in numbers, in larger or smaller manufactories, at all ages, from five years old and upwards.

"That in some few instances the regular hours of work do not exceed ten, exclusive of the time allowed for meals; sometimes they are eleven, but more commonly twelve; and in great numbers of instances the employment is continued for fifteen, sixteen, and even eighteen hours consecutively.

"That in almost every instance the children work as long as the adults, being sometimes kept at work sixteen and even eighteen hours without any intermission.

"That in the trades and manufactures (and these constitute the great majority) in which the master is considered to be exonerated from all care and charge of the children, because they are hired and paid by the workmen, the hours of work for the children are almost always the longest, and their labour is performed under the most oppressive circumstances: it being the common practice with many of these workmen to work most irregularly, remaining idle during the early part of the week, and then working excessively at the latter end of it; and by their hours of work, whatever they may be, those of the children must be regulated."

The result of work at those early ages, and for such long hours, was shown to be general physical deterioration, a lamentably low moral condition, and in the great majority a total ignorance on all subjects, secular and religious.

Facts exemplifying these conclusions are given by Mr. Senior from the evidence attached to that report.

The only direct result of that comprehensive, searching, and exhaustive inquiry of the Children's Employment Commission of 1843, was the Act passed in that year to prohibit the employment of females in mines and collieries, and to forbid the employment therein of boys under ten years of age.

It was not until 1860 that public opinion was sufficiently advanced to take another step in the same direction. In 1855 another inquiry was instituted into the employment of women and children in bleaching and dyeing works; and after an interval of five years, an Act passed, on the 6th of August, 1860 (23 & 24 Vict., c. 78), placing women, young persons, and children employed in bleaching and dyeing works, under the regulations of the Factories' Acts.

Again, also after another inquiry, made in 1860-1, lace factories—*i.e.*, "factories in which machines for the manufacture of lace are moved by steam or water power"—were placed under the Factories' Acts by the Act 24 & 25 Vict., c. 117 (6th August, 1861).

The suggestion of Mr. Senior (p. 128 of his "Resolutions"), that another inquiry should be made as to the trades and manufactures to which the restrictions of the Factories' Acts might now be applied,

was acted upon by the appointment of the Children's Employment Commission (1862), in accordance with an address of the House of Lords of the 18th of February, 1861, moved by the Earl of Shaftesbury.

That Commission has made four reports. The first has resulted in legislation. The second and third were laid before Parliament in August of last year; the fourth in July of this year. A fifth report, which is expected to be ready for presentation to Parliament early in next Session, will complete the inquiry in regard to trades and manufactures. There will remain one subject, to which the Commission has been lately extended, namely, an inquiry into the system of organised labour prevailing in some parts of the country, known by the name of Agricultural Gangs.

The Factory Acts Extension Act (27 & 28 Vict., c. 48, 25th July, 1864), which followed the first report of the Commissioners, embraced the following trades and manufactures:—

The manufacture of earthenware, except bricks and tiles, not being ornamental tiles.

The manufacture of lucifer matches.

The manufacture of percussion caps.

The manufacture of cartridges.

The employment of paper-staining.

The employment of fustian cutting.

Two important additions to the legislation applicable to factories were made in that Act. By clause 4, power was given to ensure effectual sanitary measures to be taken in any case requiring them. It is provided that every factory to which the Act applies "should be kept in a cleanly state, and be ventilated in such a manner as to render harmless, so far as is practicable, any gases, dust, or other impurities generated in the process of manufacture, that may be injurious to health."

And by clause 5, in order to prevent the requirements of the Act as to cleanliness and ventilation being infringed, to the detriment of the occupier, by the wilful misconduct or wilful negligence of the workmen, power is given to the occupier of the factory to make special rules—to be approved of by one of Her Majesty's Secretaries of State—for compelling, under a penalty, the observance by the workmen of the conditions necessary to ensure the required degree of cleanliness and ventilation. Printed copies of these rules are to be hung up in the factory, certified by the proprietor having jurisdiction over such factory; and a printed copy is to be supplied to any one employed in the factory who may apply for one.

The Factories' Acts are incorporated in that Act, subject to the following qualifications and conditions (s. 6):—

1. The Act is to take effect gradually in regard to the age at which the half-time system is to come into operation. Children of eleven years of age are allowed to work full time during the first six months after the passing of the Act. During the succeeding two years children of 12 years of age may work full time. After the

expiration of these two periods no one under the age of 13 will be permitted to work otherwise than according to the half-time system, *i.e.*, at work half the day and at school the other half, or at work and at school on alternate days.

2. In the lucifer match manufacture no child, young person, or woman, is allowed to take their meals in any part of the factory where the manufacture is usually carried on.

3. In the employment of fustian cutting no child is allowed to be employed before attaining the age of 11, instead of 8, at which age children may begin to be employed under the Factories' Acts.

4. In the employment of paper-staining the rule of the Factories' Acts is dispensed with which requires that children, young persons, and women, shall take their meals at the same period of the day.

5. In the manufacture of earthenware no child, young person, or woman, is allowed to take their meals, or to remain during the time of meals, in the dipping houses, dippers' drying rooms, or china scouring rooms.

6. In the manufacture of earthenware the provisions of the Factory Acts relating to lime-washing, or painting at certain intervals, is not to apply to the parts of the factory used solely for the purpose of the storage of earthenware.

These qualifications of, and additions to, the requirements of the factory Acts show the desire of the Legislature to give a fair consideration to the peculiarities of each manufacture and employment, and to modify particular points of legislation regarding them in such a manner as to meet their necessities, and prevent inconveniences and difficulties.

The Factory Acts' Extension Act passed in July, 1864. In February, 1865, Mr. Baker, the Inspector of Factories, in whose district the principal manufactures of earthenware are situated—the potteries of South Staffordshire—was able to give, in his half-yearly report of that date to the Secretary of State, such an account of the working of the Act in the potteries as to prove conclusively, even at that early period, how greatly legislation had been needed, and how beneficent and successful had been its operation.

The evidence collected by the Assistant Commissioner, Mr. F. D. Longe, who visited that district, made it incumbent on the Children's Employment Commissioners to urge, in their report, that not only was it highly necessary that the half-time system of education should be applied to the children at work in the potteries, but that evils affecting the sanitary condition and the physical state generally, both of young and old there employed, called loudly for removal.

The report of Mr. Baker, showing how much had been effected during the short time since the Act passed, and how much more was in progress, affords the strongest encouragement for the application of similar measures of legislation to the numerous cases to which the Commissioners have had occasion, in their reports now remaining to be dealt with, to call the attention of Parliament and the public. And it may be permitted here to add that it would probably be diffi-

cult to point out, among the many interesting and important documents which for many years past have emanated yearly from the inspectors of factories, any report of higher interest, or one more suggestive of future good results from the still wider diffusion of legislation on similar principles, than this report of Mr. Baker's of February, 1863. That of Mr. Redgrave, of the same date, and in the same volume, although his district does not contain any branch of manufacture to which the Factory Acts' Extension Act applies on so large a scale as the potteries, nevertheless bears ample testimony to the successful working of the Act in all the other cases to which it applies.

I may here be permitted to add extracts from letters received by me from Mr. Longe, in the early part of this month (September, 1863), bearing similar testimony to the success of the Factory Acts' Extension Act in the potteries, which he has again visited in the course of an inquiry into the brickyards, upon which he is at present engaged.

"I have been much interested in hearing how the Factory Act is working here (Stoke). It seems to be received very well; even the half-time system seems to be working much better than I expected. The wages of the full-timers have risen considerably—from 4*s.* to 6*s.* or 7*s.* The men complain of not being able to get boys, and seem prepared to accept machinery as a substitute. In most other respects the Act is thoroughly approved of. The youngest boys and girls displaced from the potteries get into the brickyards, many of which are worked the whole year. I hope the Act will be applied to them. . . . Although there are many difficulties and inconveniences attending its being carried out to the letter, it seems that the Act is being carried out in principle with the utmost satisfaction to the more respectable men and masters. The Sub-Inspector of Factories, Mr. May, mentioned to me that he had heard a complaint that women or girls were being employed in the place of boys. I hope the introduction of machinery may come in time to relieve the pressure on the population. At the Stoke Schools they say that they have not lost any whole-day scholars; but I believe a few children have been taken into one of the large works younger than formerly. On the whole the half-time system is, as yet, quite a success. I write this that you may know my apprehensions on the subject are removed."

Since the above was written the Reports of the Inspectors of Factories for the succeeding half year have been distributed to the public, giving the results of some months' more experience of the working of the Factory Acts' Extension Act.

In the Report of Mr. Baker, dated June 5, 1865, it is stated (p. 18) that since his last Report he had visited various earthenware and other works and factories in various parts of his district, and that, in his opinion, "there can be no longer any doubt now that the wisdom of Parliament in assimilating the hours of employment one to another in various trades will be productive of the happiest social and intellectual results."

Mr. Redgrave, in his Report, dated May 30, 1865, mentions the steps already taken towards putting in force the clauses of the Act enabling employers, with the sanction of the Secretary of State, to establish special rules for the sanitary regulation of their places of work.

The complaint had been very common among masters that they were powerless to correct defective sanitary arrangements and want of ventilation, by the indifference of their men; in other instances the desires of the more intelligent of the men to keep up a proper degree of ventilation, or to promote cleanliness in their workshops, were frustrated by their fellow workmen. The power to establish special rules, to be enforced by a penalty, for the first time given in this Act, is intended to provide a remedy for this state of things.

Mr. Redgrave, after communication with the earthenware manufacturers in his district, circulated among them the following copy of Rules which have received the sanction of the Secretary of State :—

" Rule 1.—No workman shall in any way interfere with the measures taken for the ventilation of the various workrooms, without the sanction of the manager of the works.

" Rule 2.—In pursuance of arrangements made by us with our workmen for the sweeping and cleansing of the workshops, which arrangements are as follows, viz. :—

" [Here insert a scheme showing what workmen are responsible each day in every week for the due performance of the sweeping and cleansing. The scheme might be in the following or in other similar form :—

" The names of all workmen employed in each room shall be placed in alphabetical order upon a board, and the sweeping, sprinkling, &c., shall be performed by each man in turn. The manager shall daily cause to be noted on the board, at least one hour before the usual time of leaving off work, the name or names of the man or men whose duty it will be to perform the sweeping, sprinkling, &c., on the following day.]

" A.—The various rooms in which the flat-pressers, throwers, turners, and moulders are employed shall be sprinkled and swept out every day; and all the other workrooms, except those for storage only, shall be swept out and cleansed at least once a week.

" B.—In the saggar-houses the floors shall be properly swept and sprinkled after every setting in of an oven.

" C.—The steps and stairs up to and in the various workshops shall be scraped clean and swept at least once a week.

" Rule 3.—Any workman who, under the above arrangements, is

responsible for such sweeping and cleansing, and who neglects to perform the same, and any workman wilfully interfering with the ventilation, sweeping, or cleansing before specified, shall, upon conviction, be liable to a penalty not exceeding one pound."

Mr. Redgrave is inclined to think that these rules will be carried out to a considerable extent in spirit, if not as yet formally adopted, and that they will lead to a considerable advance in respect to cleanliness and ventilation in the earthenware and other manufactories included in the Factory Acts' Extension Act in his district.

The probable introduction of machinery above adverted to will be one of the most important, though indirect, results of the Act. It had been resisted by the men under short-sighted and erroneous impressions of its consequences to themselves. Its introduction will relieve a large number of the boys from unsuitable and most oppressive labour.

It is also gratifying to be able to state that although much reluctance was manifested by leading manufacturers and others to the application of the Factory Acts' Extension to one or two of the other branches of manufacture included in it, to the extent at least to which it has pleased Parliament to carry it, nevertheless, since the Act passed it has been not only acquiesced in by all concerned, but the most cordial desire has been exhibited to give full effect to all its requirements, and, further, in the case of the potteries, to act in its spirit in adopting ameliorations pointed to, but not rendered obligatory by the Act; many instances of which are noticed in Mr. Baker's Report, especially with reference to the improvement of the stoves and stove-rooms in which the wares are dried, which were among the principal causes of the injury to health, and of the excessive rate of mortality from consumption and other maladies.

The trades and manufactures embraced in the second, third, and fourth reports of the Commissioners are the following.

I. The branches of the lace manufacture not included in the Lace Factories' Act—which applies only to the lace-making by machinery—namely, lace finishing and "making up" carried on in—

A.—Dressing-rooms.
B.—Warehouses.
C.—Private houses, *i.e.*—

(*a*) "Mistresses houses," where children are employed for wages.
(*b*) Houses in which women singly, or with their own children, take in the same kind of work as is done by the "mistresses."

Lace-making on the pillow carried on in—

(1) Lace schools, and in—
(2) Private dwellings.

II. The branches of the hosiery manufacture that do not come under the Factories' Acts.

(*a*) Hosiery warehouses.
(*b*) Hand-frames.

III. The straw-plait manufacture carried on in straw-plait schools.
Straw-plait "making up" carried on in—

(*a*) Factories or warehouses.
(*b*) Houses, private, or so-called.

IV. Lace and embroidery work in Ireland.

V. Hand-loom weaving and hosiery in Ireland.

VI. The paper-tube or "spool" manufacture.

VII. The manufacture of wearing apparel under the following heads:—

FEMALES.

(*a*) Dress-makers, mantle-makers and milliners (2nd Report, p. 45).
(*b*) Seamstresses, shirtmakers, bootmakers, &c. (2nd Report, p. 60).
(*c*) Artificial flower makers (4th Report, p. 27).
(*d*) Ostrich feather makers (4th Report, p. 32).

MALES.

(*e*) Bootmakers.
Tailors.
Hatters.
Glovers (4th Report, p. 33).

VIII. Iron Works.

(*a*) Blast furnaces.
(*b*) Rolling mills and forges (3rd and 4th Reports).

IX. Miscellaneous metal trades.

(*a*) South Staffordshire and Worcestershire.
(*b*) The Birmingham District.
(*c*) Lancashire (3rd and 4th Reports).
(*d*) The Sheffield District and the West Riding of York-Yorkshire.
(*e*) Iron ship-building and engineer's yards.
(*f*) Letter foundries.
(*g*) The copper works of South Wales.

X. Hand-loom carpet making.

XI. The manufacture of "hair seating."

XII. "Heald" knitting.

XIII. The tobacco manufacture.

XIV. The manufacture of umbrella and parasol handles.

XV. The bobbin manufacture.

XVI. India rubber works.

XVII. The paper manufacture.

XVIII. The glass manufacture (4th Report).

The bare enumeration of the above subjects is sufficient to show the magnitude and importance of the questions which now await the consideration of the Legislature in regard to them.

The evidence laid before the Commissioners on all these subjects, and appended to their reports, leads irresistibly to the conclusion that the application of the principle of the Factory Acts' Extension Act is imperatively demanded in the case of the whole of them. The practice of overworking the young to an extent cruelly to overtax their strength, and to produce premature decline and decay, prevails to a greater or a less degree in all. Children are taken to severe and long-protracted work at an unnaturally early age, the worst instances being, for the most part, those in which children work for their own parents. Children of tender age work in many cases, and in great numbers, in night relays, at work which is most laborious, and often in excessive heat. The places of work are, in general, lamentably defective in a sanitary point of view, either by reason of over-crowding, or of deficient and ill-regulated ventilation, or want of cleanliness. The meal times are irregular and insufficient. In the case of noxious trades precautionary measures of known efficacy and easy of application are neglected. Dangerous machinery remains unfenced. Excessive overtime is forced upon the young by the habit of the men, in very many employments, of idling away the first day or days of the week, and making up their wages by hard and protracted labour on the days that remain. Overtime, which is now found, by the almost universal experience of the masters, to be a disadvantage both to masters and men, is in many manufactures habitual at stated times, in others very frequent, and almost always involves the young, as well as the women also where employed.

It is but the natural consequence of the above that the minds of the young, in the great majority of the very numerous cases in which they were tested by the Assistant Commissioners with the simplest questions, were found almost an entire blank. The little instruction which some had received had been too brief and fragmentary to be otherwise than evanescent, and vast numbers may be said to have received none at all. Of these very few could be expected to make any effort to take advantage of evening schools, after the exhausting labours of the day. A great mass, therefore, is growing up without any education at all.

In those among the trades and manufactures above enumerated which present any peculiarities requiring that, in their case, the strict regulations of the Factories' Acts should be modified, such modifications have been recommended by the Commissioners, as was done in the case of some of the trades included in the Factory Acts' Extension Act.

The Factory Acts, according to returns to Parliament in 1862

("Parl. Paper," No. 23), embraced manufactures employing a total of 775,534 persons, of whom, 201,636 were males above 18 years of age; deducting these adult males there were, consequently, 573,898 under regulation; viz., 59,693 children under 13, 71,322 males between 13 and 18, and 432,973 females above 13.

To these the Factory Acts' Extension Act added, in 1864, about 50,000, of whom probably about 30,000 were children, young persons, and women.

The total number of children, young persons, and women, employed in the trades and manufactures embraced in the second, third, and fourth reports of the Commissioners, is about 1,200,000. To these remain to be added those employed in brickmaking, and a few other occupations which will make the subject of their fifth report.

In the event of Parliament being of opinion that a case is shown sufficiently strong to require legislation in the spirit of the Factory Acts, many obvious important considerations will arise. It will be sufficient in this place to indicate a few of them. It will be a matter for determination whether it would be desirable to deal with all these questions at once, or to include at first only the most pressing. It will be necessary, in the case of some of these subjects, if they are to be dealt with efficiently, to include not only the large places of work which come within the recognised denomination of factories, but also the smaller shops where hired labour is employed; and, further, a class below them, where the many evils arising from the abuse of children's labour are greatly developed, viz., private houses where trades and manufactures, of the same description as those existing in factories, properly so called, are carried on by parents, with the aid of their wives and children. If the latter are included, is the effectual action of the law to be trusted in their case to the force of the general opinion around them, and to the interposition of Informers; or will it be expedient to support the law by a system of administration? If the aid of an administrative system is thought desirable, will an extension of the present system of factory inspection be, on the whole, the most eligible, as it would unquestionably be the most efficient? or would material saving of expense ensue, without important loss of efficiency, if the smaller factories, and the domestic factory-work, so to call it, existing in so many scattered places, and often among small numbers together, were to be placed under the supervision of the local authorities, with some farther security for their rightly performing such duty? These are some of the principal questions awaiting the solution of Parliament on this important subject of extending still farther, and perhaps generally, the protection of the Legislature to the labour of children, young persons, and women, in manufacturing operations, and the consequent improvement of the education of the young. They are questions which cannot fail to command the earnest attention of this Department of our Association.

The Extension of the Factory Acts to other Industrial Occupations. By JOHN WILSON.

ONE of the questions for discussion in the Educational Department is "What farther regulations of the labour of children are required to promote their education?" This is a most interesting question for the statesman and the philanthropist, but its solution is difficult. There are among wise men diversities of opinion as to the precise point where Government intervention should begin; and before we demand that it be extended we should prove that extension is necessary. Wherever inhumanity needs to be suppressed by legal means, there is no doubt that Government interference is perfectly justifiable; and public opinion will indorse this principle, as it has done already in the different factory acts for restricting juvenile labour. All who have considered the matter admit that a certain amount of such labour is required; the only question is, how we can avail ourselves of it without needlessly hindering the moral, mental, and physical development of the young workers? In an elaborate paper "On Factory Education and its Extension to other Trades and Professions," which was read at the Birmingham Conference, in 1857, by E. Akroyd, Esq., M.P., he gives some valuable information relative to the working of the Factory Act—information which is specially reliable on account of his practical experience in his own manufactory.

The desirableness of education is in these days generally admitted. But it does not follow that because some legislative enactment has been an educational benefit under certain circumstances, the same results will occur under social conditions of a different character.

Among the factory operatives there were many children who were compelled to work an unreasonable number of hours at the very time they ought to have been at school; this led to an agitation for limiting their labour, and enforcing their attendance at school during a certain part of the day. The Factory Act of 1833 prohibited children under nine years of age from working at all, and those between nine and 13 from working more than nine hours in a day, or more than 48 in a week. In addition to these restrictions, a certificate of attendance at school two hours daily for six days in the preceding week, was the only condition on which children were allowed to work. The Act of 1844 permitted the employment of children of eight years of age, but it diminished the working hours and increased the school hours, of all between nine and 13. The Act of 1847 further restricted the hours of labour in factories, and placed females above 18 with the class, "young people,"—those between 13 and 18.

It may now be asked whether there was any necessity for legislative interference on behalf of these children?

Mr. Porter, in his "Progress of the Nation," page 232, gives the following table as the percentage of children employed in 1839.

	Cotton	Woollen	Flax	Silk trades
Under 9 years ...	— ...	— ...	— ...	2·80*
Between 9 and 13 ...	4·75 ...	12·35 ...	4·05 ...	22·60

At the same period the percentage of the sexes was as follows :—

	Cotton	Woollen	Flax	Silk-trade
Males	43·5 ...	48·5 ...	29·6 ...	31·7
Females ...	56·5 ...	51·5 ...	70·4 ...	68·3
	100	100	100	100

Here we find that of the whole number employed, nearly 11 per cent. were not 13 years old, and 61 per cent. were females. It will be thus perceived that in these four branches of textile manufacture, juvenile labour was employed to an extent unparalleled in the annals of industry: and as the Act of 1844 allows children of eight years of age to work, it is almost certain that if Government had not interfered so far as to make some attendance at school a condition of labour, the education of factory operatives would have been most deplorably neglected.

In discussing questions of this character it is desirable to set aside all irrelevent arguments. I therefore purpose to contrast our industrial occupations in Sheffield with those of the operatives employed in textile manufactures, in order to show that we have few conditions at all analogous to theirs. If this can be clearly demonstrated it removes one of the chief reasons for Government interference here. This will be best illustrated by taking a few of our principal firms as types of our special branches of industry.

The cutlery branches cannot be better represented than by the well-known firm of Joseph Rodgers and Sons. From the statistics furnished by the managers of each department, I find the number of persons employed by them is 949, exclusive of clerks, bookkeepers, travellers, &c. Of this number

645 are employed in the spring-knife branch,
209 ... ... table-knife branch,
95 ... ... razor branch.

Of this number 41 are females, employed in the warehouse department (in wiping, carding, wrapping up, &c.) and all of them are above 13 years of age. The boys under that age are 25 in number and are distributed as follows,

Spring-knife branch 15,
Table knife branch 7,
Razor branch ... ... 3.

In this establishment the percentage of boys under 13, is 2¼.

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* The Act of 1833 must have been evaded in the silk trade.

In Sheffield there would be special difficulties in enforcing any educational regulations similar to those of the Factory Act. In the first place, many of the men are outworkers, some working in their houses, and residing in the surrounding villages. Others, those employed in the grinding branches for example, are little subject to their employers, because, legally, they are not servants but independent masters, occupying wheel-room and power by tenant right, and working with their own tools. These men work by the piece, and are not summoned by the tolling of the factory bell when the engine starts, but they begin and leave off work when they like. The hours are not excessive in the different branches of the grinding trade; 58 hours per week being about the time the engines run. If we deduct from this the time lost on regular holidays, or on "Saint Monday," and "Natty" days, it will be evident that there is no necessity for Government interference in this respect.

As another type of our Sheffield trades, I will take Cornish Place. Messrs. James Dixon and Sons, have furnished the following statistics of their employés.

—	No. of Men.	Women.	Boys above 13.	Boys under 13.	Girls above 13.	Girls under 13.	Total
Britannia Metal Depart....	120	53	24	2	14	...	213
Silver and Plated ,, ...	79	94	18	...	25	1	217
British Plate ,, ...	42	20	20	...	9	5	96
Powder Flask ,, ...	45	11	14	...	6	...	76
Total ...	286	178	76	2	54	6	602

In every department of this old established firm, female labour is employed, and yet how much smaller is the percentage than among operatives engaged on textile fabrics. Of 238 female workers, 178 are adults; 54 are between the age of 13 and 21, while only six are under 13 years of age. If, on the other hand, we refer to the 364 male workers, we find there are among them only two under 13 years of age. This is highly creditable to the whole establishment, and certainly does not support the complaints made by Her Majesty's Inspectors of Schools about the "selfishness of parents in putting their children to work at a time when they ought to be at school."

The next branches of our staple trades we will illustrate by the Messrs. Thomas Turton and Sons' "Sheaf and Spring Works." The products there are steel files, edge tools, railway springs, and engineering. The men engaged in making steel are divided into "converters," "melters," "tilters," and "rollers," and are 99 in number; 43 of the boys are above 13 years of age, and seven are under 13.

Those employed in the file trade are divided as follows:

—	Men.	Boys above 13.	Boys under 13.	Women.	Total.
Forgers	33	1	...	...	34
Grinders	12	2	...	...	14
Cutters	138	37	9	26	210
Hardeners	11	2	...	...	13
Scourers	...	...	...	8	8
Warehousemen ...	3	...	...	5	5
Total ...	...	...	...	...	284

The workers in the edge tool branches are composed of forgers, grinders, and hardeners, and number 37 men; in the warehouse department are seven women. Of the spring makers, 82 are men, and 18 boys, 10 of whom are under 13. Of the engineers, 39 are men, and eight boys, two of whom are under 13. These with 36 labourers make a total of 663 persons employed at the "Sheaf and Spring Works," classified thus:

Skilled Artisans	454
Labourers	36
Apprentices above 13...	99
Apprentices under 13...	28
Females	46*
Total	663

Exclusive of managers, clerks, travellers, book-keepers, &c.

In the steel, spring, engineering, and edge-tool departments there are no females employed, and in some subdivisions of them none but men.

I shall take my next illustration from a firm which I believe employs a greater number of persons than any in Sheffield:—The firm of John Brown and Company, "Atlas Steel, Spring and Iron Works." In this establishment are manufactured, armour plates, railway springs, buffers, rails, and iron and steel on the most gigantic scale. I have not an account of the number employed in each of the branches, indeed some of them are so closely connected that an exact classification would be difficult. But from the statistics furnished by the firm, I find that the total number employed is 3,249; of these, 2,905 are men; 258 are boys above 13, and 86 boys under that age. Here we have again a striking contrast to establishments for the manufacture of textile fabrics. In them the majority of the workers are females, many of whom are of tender

* Of this number the manager informs me that it is possible that two or three may be under 13 years of age.

years; whereas here there is not one female, and only a very small percentage of young boys; it is certainly satisfactory to find that out of a total of 3,249, nearly 3,000 are men. In all the four establishments I have named, the percentage of juvenile workers is less than three, while in manufactories of textile fabrics it was nine, and many were under ten years of age.

Having already said sufficient to show the great contrast that exists between our Sheffield trades and those to which the Factory Act applies, I will point out more in detail some of the obstacles to its application here. In the first place, we have not that concentration of workmen's houses in the immediate neighbourhood of our workshops which is found in the cotton districts of Lancashire and in the woollen districts of Yorkshire. Mr. Akroyd speaks of the beneficial result of the Factory Act in his own schools. I suppose they adjoin his mill, and thus enable his "half-timers" to leave work for school or *vice versa*; and this is compatible with textile manufacture. But how could Mr. John Brown, our excellent Master Cutler, so regulate his business that the 86 lads under 13 could attend school? To have a school on the premises during working hours is out of the question; the hissing, screaming, thumping, roaring, and other discordant noises arising from the work, would prove worse than Babel itself. Moreover the 86 lads are dispersed over the whole premises, and one half of them work in the day, the other in the night. Their labour, too, is far more laborious than that of a piecer in a cotton mill. The smoky condition of the atmosphere in such premises as the "Atlas Works" would be another objection to having schools there.

A farther reason why the "half-time system" would not work so well here as in the textile districts is, that there the work of the children requires so little skill that a child eight years of age can learn it in a few days. Here the case is different; indentured apprenticeship is the rule, while there it is the exception. In some trades—the saw-makers, for example—the apprentices are bound to the manufacturers and taught by the workmen. Generally, however, there are bound to the workmen, and the manufacturers have no control over them. I will take my own trade as an illustration, and it may be taken as a type of the grinding trade generally. In all departments of this trade there is boy's work. A man takes a lad on trial, intending him for an apprentice. For some time, the lad is no benefit whatever, but is a positive loss; there are only some jobs to which he can be put, and to teach him even these, his master must stand over him; and in many cases when the lad has not done his best, the work is partially spoiled. But as there are times when the lad is unemployed, it may be asked whether he might not then be at school. I think not, during working hours, because there is no regularity in the recurrence of the times when his services are wanted. But why not supplement him by a "half-timer?" Because it would be very foolish for any skilled workmen to spend valuable time in teaching a second boy when he only required the

services of one. This would be a direct tax on home production, and a bounty to our foreign competitors. Another difficulty among the grinders would be the extensive area over which the workmen are dispersed. I cannot illustrate this better than by the workmen of my own employers, Messrs. Joseph Rodgers and Sons. In the first place, there are a number of grinders employed on the premises adjoining the warehouse, then there are the majority of their men at the wheel in the top yard, as well as many working at different wheels in the town, over which Messrs. Rodgers have no control.

In addition to these, there are the country grinders, working on the rivers which concentre in Sheffield; some of these men live and work in Abbey Dale, on one side of the town, and others at Stannington, Loxley, or Rivelin, far away in another direction. There are other circumstances which will always prevent the employment of "half-timers" in some of our trades. In the silver plated trade, for example, I believe it is customary for an operative who takes an apprentice to pay a premium to the manufacturer to compensate him for material spoiled by the lad while learning his work.

There is another obstacle to the extension of the Factory Act which was evident to Mr. Akroyd himself, and which will in Sheffield prove one of the greatest: I allude to outworkers. Mr. Akroyd says, "By the term 'work-children,' I mean those who work for wages or hire, not under the parental roof, and apart from their parents' control and responsibility." I believe that in Sheffield we should find the majority of juvenile workers comprised in this class. A large number of file cutters, especially the females, work at home, and so do many who are employed in other branches. All the factory inspectors in the kingdom could not enforce a limitation of hours in our various trades without an amount of vexatious interference that would be injurious to our commercial interests. I believe that a compulsory system of education would be more easily carried out than a general Factory Act. Moreover, in many of our trades juvenile labour is already prohibited by the regulations of Trades Unions as effectually as it could be by Act of Parliament.

With regard to the age at which children should be allowed to commence work, much might be said. The Factory Acts keep them "half-timers" up to thirteen. In many of our trades we have no children under that age; in others they begin work before. The age depends on the state of trade and the selfishness of parents, but more frequently on their necessities. The addition of a child's wages to the family income will often enable his parents to feed, clothe, and educate the rest of the family far better than they could without his assistance. It is desirable that in all cases our children should be well versed in rudimentary knowledge before they begin to work; else the majority of them will remain ignorant. The best way of giving farther education is, to establish evening schools: without these, or something similar, our operatives can never be well edu-

eated. How the schools are to be maintained, is the problem to be solved. My present experience inclines me to the principles of the Sheffield People's College*—"Self-support and self-government."

One of the great obstacles to education is the apathy of parents. Many of them are ignorant of the value of knowledge: it is not uncommon to hear a man say, "I have done without education, and so must my children:" he forgets that the excessive competition of the present day makes success more difficult to the ignorant than formerly. I would recommend, as one means of overcoming this apathy, that every workman wanting an apprentice should refuse to take one who has not a fair knowledge of reading, writing, and the four rules of arithmetic: these will be more valuable than a mere smattering of several other branches of education. If in addition to this, those masters and parents who know the value of a good education would take more interest in evening schools for their children and apprentices, a marked improvement would soon be visible in our operative population. Her Majesty's School Inspectors and others often complain of the early removal of children from school; and this is doubtless a great evil; but in many cases it is not unaccompanied with benefits. I can illustrate this by personal experience. I began to work at eleven years of age, and, like hundreds of apprentices in Sheffield, I lived with my master. I thus lived at a far better table than my parents could afford; and good food has a most important influence upon the physical development of a growing lad.

That there was some necessity for governmental interference on behalf of factory children may be inferred from the fact of a popular agitation demanding it on the ground of humanity. If similar evils existed in Sheffield, I would earnestly support the government in any attempt to mitigate them; but in the absence of any well-founded causes of complaint, I conclude that State intervention in our industrial occupations would be absolutely injurious.

RURAL SCHOOLS.

Rural Schools in Relation with the State. By Rev. G. H. Fagan.

In the Report of Her Majesty's Committee of Privy Council for 1863-4, the following statement occurs:—

"The unequal degree in which different parts of the country

* Mr. Thomas Rowbotham tells me that in the day classes of the college the scholars leave at about thirteen, viz., about one-half at twelve, the other remaining till fourteen.

have shared in the benefits of the present system of aid to schools has been frequently noticed. It appears that nearly four-fifths of the parishes of 1,000 inhabitants and upwards, containing collectively four-fifths of the total population of England and Wales, contain one or more annual grant schools per parish; that of the parishes with less than 1,000 and more than 500 inhabitants, containing about a tenth of the total population, little more than one-third contain one or more annual grant schools per parish; and that of the parishes with less than 500 inhabitants, which contain the remaining tenth of the total population, only 8·8 per cent. contain one or more grant schools per parish. It will be observed, however, that while these latter parishes contain less than one-tenth of the population, they form considerably more than half (59 per cent.) of the total number of parishes (8,761 out of 14,877), and that 4,149 of them, containing fewer than 200 inhabitants are plainly too small to justify separate schools, except in cases where distance or other physical obstacles to the gathering of scholars, are exceptional. It is in the parishes with fewer than 1,000 inhabitants that least progress has been made."

After such an authoritative declaration, no one can doubt that the best mode of bringing State aid to bear upon the rural schools of England is one of the leading educational problems of the day. It is so both on the grounds of *justice* and of the highest expediency. Of justice—because it is not right that any large portion of the tax-paying community should be deprived of its legitimate share of the grant voted by Parliament out of the common taxation of the country for advancing popular education by means of the different religious bodies. But it is obvious that the rural population of England is so deprived. It is equally clear that this is from no fault of its own. The number of rural schools which exist, although lacking the fostering aid of Government, is an irrefragable proof of this. Of the highest expediency—because if the stimulus and encouragement given by Government inspection and aid tend to the improvement of schools, it is of the greatest importance that that benefit should be extended to that very large class of schools, the rural schools, which now lack such help, and (as will be shown), from their peculiar nature, stand in special need of it.

I propose, therefore, in the present paper, to address myself to this question. In doing so, I must be allowed to proceed upon two assumptions which cannot be disputed. The present system on which the Parliamentary grant is distributed is *Denominational*, and therefore that Parliamentary aid should be extended to rural schools on that basis. "The Denomination," which, as a matter of fact, supports the vast majority of the rural schools is the Church of England.

Therefore, in point of fact, what I have to discuss is, the best mode of extending "State aid" to Church of England parochial rural schools.

If I were aware of the existence of any number of rural schools

which belonged to other religious bodies, I would gladly recognise their existence, and if they were unfairly deprived of their share of State aid I would, with equal pleasure, discuss how that evil might be remedied. But as I am not at all aware of this being the fact, I must be allowed to discuss the present question from a Church of England point of view, and to suggest such modes of extending State aid to rural schools as are consistent with the principles and organisation of Church of England schools.

My own experience, which is mainly derived from my having held the office, since 1851, of honorary secretary of the Bath and Wells Diocesan Board of Education, can only be of service in the point of view which I have indicated. I desire to bring very prominently forward, that rural schools have not only a general claim to Government aid, but that they have *special* claims of their own, which ought to be borne in mind both by the Government and by the public in the consideration of this question. Their first claim, in my opinion, is that a small rural school—and well nigh all rural schools are small—is a far more difficult school to maintain in efficiency than a large school. The small number of the children who supply the school with pupils is a great impediment to that discipline which lies at the root of the usefulness of a school. It is obvious that in many other ways a small school cannot be worked with the spirit and life which animate a large school. The classes must of necessity be small, and along with the small classes there must be a lack of emulation. But if a small school is less efficient from its very smallness, it is far more *expensive* than a large one. And that not only absolutely but relatively. This fact is broadly stated in the Report of the Duke of Newcastle's Education Commission of 1860. At page 77, the commissioners say, "In rural districts a state of things exists less favourable to education. In the first place *the schools are* relatively *far* more *expensive than in the towns, because they are smaller.*" Not only is the scale of school fees lower, seldom exceeding one penny per child, but the same teaching staff has to be provided for a small number of children that would suffice and does suffice, and that more efficiently, in larger schools, for three or four times the number of children than the school contains. Thus, the manager of the rural school is discouraged alike by the consciousness that the smallness of his school detracts from its life and efficiency, and by the conviction that his expenditure would, if the population were larger, do three or four times the amount of good that it is now, often at the cost of great self-denial to himself, effecting.

The evil and injustice of the present state of things is, on all sides, admitted; and not least throughout the minutes of evidence (recently printed by order of the House of Commons) taken before the Select Committee of the House of Commons last session. What remedies can be suggested? becomes the next question; or, in other words, How may State aid be best applied to the exigencies of rural schools? For myself, I shrink not from main-

taining that the special difficulties of these schools afford a special claim for exceptional measures in their favour. I highly approve, therefore, and should think very practicable, measures similar to those proposed by one of the oldest and most experienced of her Majesty's Inspectors of Schools, the Rev. E. D. Tinling, and by one of the most efficient and practised Assistant Inspectors under the Duke of Newcastle's commission, the Rev. James Fraser, as embodied in their reports.*

Schemes founded on an attempted union of managers and of parish schools are exposed to the fatal objections embodied in the report of the Duke of Newcastle's Commission, p. 290–1, and mainly founded upon the testimony of Mr. Lingen. It seems, further, to be the general opinion of practical men (*see* evidence before House of Commons committee), that the particular minute embodying Miss B. Coutts' scheme is hedged about with such conditions that as a matter of fact it cannot be worked, and will remain a dead letter. I do not enter into the *vexata quæstio* of whether under a system of examination by results, teachers should be required to possess a government certificate. I take it for granted that in some shape or form such a certificate will continue to be required. I suppose also that it will be generally granted that if a certificate can be made reasonably attainable by all, it must be beneficial to a school. Taking this for granted, my first proposal would be to lower the certificate and the examination needed for it, to the average attainments and requirements of the teachers of our rural schools. Let there be at least two separate examinations;

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* Extract from the Report of the Rev. E. D. Tinling for 1865, pp. 332-3:—"I have also one other suggestion to make to your lordships respecting the very poor parishes of my district, viz., as to the advisability of granting to such poor parishes a small sum of money for a period of three years, not exceeding £15 per annum, upon a special report of Her Majesty's Inspector, and subject to the following conditions:—1. That the school managers provide themselves with a certificated or registered teacher within twelve months from the date of inspection. 2. That additional local contributions be raised equal in amount to the special grant. And 3. That the grant be forfeited unless the above provisions be complied with."

Extract from Report of the Rev. James Fraser:—"There are said to be about 12,000 parishes in England and Wales. Of these, it is probable that there are 4,000, or about one-third of the whole, which belong to the class denominated 'small parishes,' with a population under 400, and where the maintenance of a school in a state of efficiency is a matter of considerable difficulty. The effect which an additional outlay of 10*l.* or 15*l.* a year, properly distributed, could have upon the condition of the school in such parishes is incalculable. It would raise many of them at once from a state of inefficiency to one, at least, of usefulness. The defects under which the schools in such parishes generally labour are chiefly two: the salary is insufficient to secure the services of a competent teacher, and there is an inadequacy of teaching power. Each of these defects might, I think, to a great extent be removed, and a vastly superior quality of education offered to about 150,000 children, at a cost to the country, supposing the money to flow from the present central source of aid, of 40,000*l.*, or at the outside 60,000*l.* a year; the lower estimate resting on the supposition of an augmentation of the schools' funds in each of the 4,000 parishes by 10*l.*, the higher by 15*l.* a year."

let the lower examination and certificate be all that is required for teachers of schools for parishes not having a population exceeding say either 700, 600, or 500. Let the present certificate be required to qualify teachers for schools of the larger type for government grant.

Admit the schools of the smaller type on their obtaining teachers for the lower certificate. Further, let all teachers of existing small schools, of whatever age or training, be allowed and encouraged to offer themselves without delay for this lower certificate. Let the examination be held for different neighbourhoods by Her Majesty's inspectors on the same day and in much the same way as that at present held for pupil teachers. Above all, let the examination only last for one day, and let not the candidates be frightened by its being held at a training institution.

By this means, a very large number of our teachers of small rural schools would be put in the way of qualifying themselves and their schools to receive government aid.

The next question that occurs is, how are we to deal with the case of the large number of additional schools (probably eventually some thousands) which would apply to be examined in order to avail themselves of the assistance offered under the revised code.

For the purpose now proposed, there is little doubt all might be systematically provided through the influence of the respective bishops with inspectors.

If need be, let time and trouble also be saved by arranging that the children going up for the several standards should meet at some central school in one or more divisions of the inspector's district.

The standards are so simple that there can be no fear of much variation in the verdicts of the different inspectors. Of course the great object for which diocesan inspection mainly exists, the inspection in the bishop's name, and for his satisfaction as chief pastor, of the religious education of the children, would be carried on along with the examination in the "three R's," according to "the standards." This would be in strict harmony with what are still happily Her Majesty's instructions to her inspectors of Church of England schools.

I indulge the hope that we may yet see the State cheerfully, and in a liberal and thankful spirit, availing itself of the large store of gratuitous aid that may thus be provided by those who on the highest motives will grudge no pains for the sake of Christ's little ones. On the other hand I trust, as I believe, that the clergy, at the call of their bishops, and with due provision for their independence as inspectors, would furnish a supply for "this blessed and cheap defence of nations," against the evils flowing even in rural districts from an untaught and godless population.

NEGLECTED CHILDREN.

Our neglected and destitute children. Are they to be educated?
By MARY CARPENTER.

THE importance of directing public attention to the various educational agencies which are in operation in our country, cannot be too highly estimated, and has engaged the warm and earnest consideration of this Section from the very commencement of this Association. Even those educational institutions which had obtained the highest prestige, and which were supposed to be the most securely fenced round—the most strongly guarded by universal good opinion—our great public schools, which have fostered the opening talents and stimulated the rising genius of our most celebrated men—even these have been closely scrutinised, and the revelations of the Public School Commission were discussed by this Section at our last meeting with an anxiety which showed a general opinion of the importance of the subject. The desire of the council of this Association to obtain a similar commission to inquire into the condition of smaller grammar schools and of middle-class education generally, as well as the attention which this last is exciting throughout the country, indicates not less clearly the growing attention which is paid to the education of those who will form the next generation. Descending to a lower grade of society, the distribution of the educational parliamentary grant to the British and National Schools has been the subject of warm and earnest discussion: and the applicability of the provision made under the present Code to the wants experienced by them, has been anxiously considered. The highest and most experienced minds in our country have been summoned to the discussion of these various subjects.

All the schools now adverted to have been intended for the children of persons who can more or less help themselves, and most of whom can take a share in the management of the schools. All these, from the legislator to the labouring man, have it in their power, more or less, to secure for their children, by their own personal effort, such education as they deem suitable for their position in life. It is true that several of these schools are endowed, and that a free education is thus granted to many children among these various classes;—this gratuitous character of the education is not considered to degrade the recipients, and all may be classed together in our present consideration. Now, we would ask, why does the enlightened portion of society so zealously occupy itself with the educational wants of these different classes? It is not that they cannot help themselves. We know that excellent schools are established by working men, and steadily supported by them, though they thankfully accept the pecuniary and intellectual aid afforded to

them by those in a higher rank. The middle classes surely ought to be able to judge of their own wants, and pay their money solely for an education which is really good. Without a doubt the educated gentry and nobility of our country are fully competent, without extraneous aid, to regulate the education of their sons and of their daughters, and none need interfere in their concerns. And yet all these commissions, these committees, these anxious discussions—why do we continually hear of them? Why is there a constant extension of our inquiries? Why does one commission lead on to another, and why do we never feel satisfied as long as gentlemen's sons are only half educated, and their daughters are debarred from university distinctions? Why do we trouble ourselves so much because schools for the middle classes are extremely inefficient, and do not teach the rising generation what their parents ought to wish them to acquire, but do not insist upon, through indifference or ignorance? Why do we make so much effort to give the rudiments of a sound and useful education to those who are to form our working population some ten years hence, though without it their fathers have built our houses, made our roads, and furnished nerve and sinew to our country wherever their services have been required? It is because we, as a country, are emerging from the narrow and selfish condition which made education a class privilege, which led even a prelate of the established Church, some half century ago, to inquire, when asked to subscribe to a public juvenile library, what good a library for lads could do? and which made employers of labour prefer to keep their workmen in ignorance. A sound and enlightened education is now acknowledged to be as important to the welfare of society in general as it is to that of the individual. As the world progresses, and class after class is moving on to take a share in the government of the country—as the masses become influential in united strength, and make themselves felt to be members of the community, and important members of it—so all enlightened persons feel it to be of the highest importance that the intellectual and moral powers of those constituting the masses should be wisely developed, and that those who are blessed with superior advantages should lend them, for the public good, to this great work. It is a great work, and we honour those who are helping it forward. It is our own personal work as members of a community, and we devote ourselves to it with zeal.

But the most important parts of our educational efforts are as yet left unaccomplished. We have been helping those who can help themselves, and who are willing to help themselves in this great matter of education of their children. They do so even at the cost of personal privation, because they perceive its inestimable value. We now turn to those who have neither the will nor the power to do so. Are we, on account of the apathy or misconduct of parents, to remain inactive, to stand by unconcerned and see innumerable evils prepared for the next generation as well as for this, through neglect of the children? Shall we, to our own shame, prove by our

actions that we are willing to help the strong and give to those from whom we hope to receive; but that the weak, whom we deem not worthy of our notice, we will leave to perish morally and spiritually? Physically, we dare not let them perish, for it is contrary to the law of the land. But shall we act as if we ignored their higher natures —as if we regarded them as not of us—only fit to be cut out from among us? May this never be said of our country!

Our Government listens, however, to the claims of many of these wretched ones. Some of them are the children of paupers, who, by this very circumstance, are unable to provide themselves with education. The poor-rates are intended to provide this as well as food, and the guardians ought to see that this duty is fulfilled well. But the country regards it as so important that these children of paupers should be educated, and not grow up stultified in mind, prepared to perpetuate a pauper race, that Parliament grants a large annual sum, say 30,000*l.* per annum, to secure for these children of paupers a good education. Special inspectors are appointed to examine these schools, and to make the grant depend on the excellence of the instruction given. Parliament is right in its estimate of the importance of education to these poor children, who have not sinned themselves in being ignorant;—it is right in taking upon itself the duty, so important to society, of providing for them that education which they will probably not receive from those who stand in *loco parentis* to them,—the guardians of the poor. Again, the country said, and enlightened legislators saw, not many years ago, that a cruel wrong was being done to the rising generation by employing their undeveloped powers in close labour, thus crippling their intellectual faculties, and preventing the possibility of their obtaining even the rudiments of knowledge. The injustice thus inflicted on the factory children was acknowledged by the Government, and the Factory Act appointed for them a half-time system—probably the most valuable kind of education that can be given—with enactments which effectually secured to them good and sufficient instruction. But this Act does not reach numbers of children in our country whose parents wickedly allow their immature minds and bodies to be cruelly sacrificed, almost in infancy, to the desire for lucre;—they think that the children are their own, and that they may do what they will with their own. The country looked with horror on this wicked assumption, and asserted the right of the young child to grow up in freedom from bondage, even that of parents. A Royal Commission was appointed to investigate these abuses; its report revealed horrors little imagined in these days of civilisation and Christianity, and the public is preparing to secure, by legislation, for every working child in the kingdom, immunity from such bondage, and the same rights in all other factories as are recognised in the cotton factories.

The country does not stop here in its care for the rising generation,—the children of this age, who are to be the men of the next. Some have become transgressors of the law even in early years.

Parental authority has not been found sufficient to restrain them from evil. Perhaps no true parental influence existed for these unfortunate young persons; and, left to the guidance of their own unregulated wills, checked by no voice of reason or of religion, they have committed acts, which in technical language would be termed burglary, arson and felony, and other crimes, which within the memory of the older among us were capital offences. Are these children to be left without education, because not only they but their parents have sinned? Do we, human beings, take upon ourselves the right to visit the sins of the fathers on the children? Not so our Government. For the good of society, and for the benefit of the child, the parents forfeit the privilege, which they had abused, of controlling their children, while they are still compelled to pay towards their maintenance. The children are cared for, the parental authority is transferred by legal sentence to persons who will undertake their moral, religious, and intellectual training, and an inspector has the special duty of ascertaining, on the part of the Government, not only that care is taken of these children, and that they are taught to earn their bread by the sweat of their brows, but that their intellectual powers are developed, and that they receive proper teaching. The State does not begrudge spending from 13*l.* to 16*l.* per annum for each of these children, considering it a wise economy to enable them to grow up honest, self-supporting citizens, instead of being maintained in a convict prison, at an expense of from 30*l.* to 40*l.* per annum, or spreading moral contagion through the country if at large—a still greater evil to society.

We see, then, that in all these cases—in that of the factory children, of the children of paupers and the orphans, of children who, generally through parental neglect, show proclivity to crime, or who have actually fallen into it—in all these cases, the Government has acted on the principle that the fault of parents is rather a claim for public help for the child, than a reason why it should be passed by in neglect; and that it is the duty of the Government to enable every child to receive a free development of its powers with a good education. The public has not lagged behind the Government in its appreciation of this principle, as, step by step, it has advanced; but, on the contrary, has urged it on. The children in our pauper schools, formerly an object of contempt and scorn, are beginning to receive public sympathy, and more enlightened efforts are being made in many places to secure for them a better practical education, and to enable them to take their fit place in society. The children who had been under a sentence of the law, used to be regarded as beyond the pale of even social sympathy; but now the public show their true appreciation of what is being done for them by the combined efforts of Government, and of Christian labourers, by receiving them willingly into their workshops, and even into their homes.

But the work is not yet done. A large and increasing part of the population consists of families whose children are miserably poor, ignorant, and wretched, though they themselves are not paupers;

they are struggling to provide for the physical wants of their children without parish help, but they cannot give education to them; it may be that they are themselves so totally degraded that they do not care to do so, and thence their children grow up as ignorant and corrupt as they are themselves. Had they been paupers, or had their children been transgressors of the law, they would have been cared for; but now they are left in their low and untaught condition, preparing to furnish to the country an ever-increasing supply of paupers and criminals for our workhouses and gaols.

These are the children for whom, destitute and neglected and ignorant as they are, swarming in our large cities, and there to be numbered, not by hundreds nor by thousands, but by tens of thousands, and perhaps even by millions, that I now earnestly entreat the help of this Association. These are the children who have hitherto been practically ignored by the Educational Council of the nation, and whose welfare is never considered by them, while they largely bestow their funds in training highly-educated teachers, and in paying for the knowledge instilled into the respectable children of the higher or wage class. These are the children for whom, passed by on the world's highway, as they have so long been, none raised a voice, when so loud a cry of complaint and indignation went up from those who had been large recipients of the public money, when the new regulations of the Revised Code made them tremble for future supplies. The educated classes look with scorn on these children of ignorance, as unworthy to receive the privilege of learning, which they themselves have now learned to value.

We shall be told, however, that the class of children for whom we plead cannot be defined, and, consequently, does not exist; that the Royal Commission on Education did not consider them deserving of attention; and that a Committee of the House of Commons, sitting expressly to investigate this very subject, reported, without advising any provision to be made for them. But we are well aware that the advance of the session led that committee to close its labours without calling important witnesses, who were ready to attend, from all the large towns of England; consequently, that its report was greatly founded on the condition of London, where the peculiar advantages possessed by schools under the patronage of Lord Shaftesbury, prevented the need being felt for increased pecuniary help. We know, too, that the agents of education commissioners do not always penetrate the back slums of cities to which they are strangers; and that the inspection only of school registers, even although it be a ragged school, by no means gives a true idea of the real condition of the families mentioned in them. We know, in fine, that it is quite impossible for council officers, inspectors, or commissioners, to comprehend the moral destitution of the country, as those do whose duties lead them into those haunts of vice—those back slums, of the wretchedness of which, the favoured portion of the population have no conception, and which they would gladly believe have no existence. Hence the apathy which generally exists respecting them;

hence the hope and supposition among some of our legislators, that the class has no existence; hence the advice which has repeatedly been given to us, that if the children are criminal, they can be sent to reformatories or industrial schools; if paupers, to the workhouse; and if neither, to the British and national schools, which are helped largely by the Government. If, however, we ask the inspectors or chaplains of these workhouse schools, we shall learn from them that the workhouse children in general spring from an underlying stratum of miserable families, untouched by any educational or Christian influence. If we ask the governors or chaplains of gaols, who have examined into the causes of crime, we shall learn the same thing, and wonder, from the revelations they make us, not that crime abounds, but that any can escape from the contaminating influences with which they are surrounded. Some of these revelations I laid before the section at its last meeting. If we appeal to missionaries, they tell us of whole districts in large cities where the light of knowledge, or even of civilisation, has scarcely penetrated. Such witnesses as these, and persons whom Christian philanthropy has led to go out to the highways and byways, to seek and to save the lost—such as these, if asked, can always bear testimony that there are multitudes of children whose clothing, habits, and manners, totally unfit them for the ordinary schools for the working classes, even if free admittance were given them. Such as these, gentlemen of influence and experience in the criminal classes, magistrates, and others, met in Birmingham, early in 1861, and in that large and influential conference sustained the principle, that "the welfare of society requires that all its members should be educated. Therefore, it is the duty of the state, both as regards society in general, and each individual composing it, to provide education for those who cannot provide it for themselves." This conference fully demonstrated the large number of children who cannot now obtain it, and do not obtain it, not only from the actual poverty of their parents, but from their low and degraded condition, which prevents them from appreciating the value of education, and from making efforts to send their children to school. The consequence of this is, not only that their children grow up without education, but that they are in such a state of barbarism, so devoid of all habits of civilised life, that were the pence paid for their schooling, or were they even provided with suitable clothing, they would be inadmissible to the ordinary schools for the labouring classes, and if there, they would not receive the kind of education they require—an education not only in reading, writing, and arithmetic, but in cleanliness, order, and obedience; in the very elements of morals and religion; and, in fact, in everything which is needed to form a respectable man or woman.

It would be impossible here to attempt to estimate the numbers of children who are growing up in this condition. In my own adopted city of Bristol their name is legion. Any person acquainted with the locality, or who, if a stranger, will accept the guidance of one who knows the dreadful facts, may spend whole

days in exploring the courts and alleys of even one district—that of Lewin's Mead, St. James's, and the vicinity—and will find degradation and wretchedness, the bare graphic description of which would harrow the heart of any Christian. We may hope that this is the very sink of Bristol, the acme of misery, and wonder how a zealous clergyman, with Scripture readers and numerous agencies at his command, can allow such barbarism to exist in the very midst of his parish. But let the stranger traverse a few streets, and, passing the large and excellent Redcross Street British School, visit the many courts which turn out of that ancient street. He will there find a new phase of misery and squalor, and will not wonder that a large and well-conducted British school does not produce the slightest influence on the educational condition of the neighbourhood. Let the stranger pass on, and, crossing a bridge of ominous name, "the Traitors' Bridge," he will come to the large and neglected district of St. Jude's, which last winter was devastated by an infectious fever—no unusual event; but, on this occasion, it happily was of such a nature as to attract public attention, and to compel, in self-defence, unusual efforts not only for the mitigation of the disease, but for the adoption of sanitary preventive measures. No one who visits St. Jude's, examining its condition from house to house, and street to street, will for a moment suppose that the national school of the parish can supply the wants of the district, and it does not. The stranger may visit St. Philips, Bedminster, the Pithay, Jacob's Well, and other districts, and find everywhere, in different degrees, ignorance and barbarism which are quite untouched by the many excellent schools of the city, whether they be pay schools or endowed free schools, which were in many cases originally intended by their founders to grapple with such poverty and ignorance.

Bristol is not singular in this condition. The same state of things will be found, in a greater or less degree, in all old large cities. In the city of Manchester, one which is perhaps not surpassed in riches by any in the kingdom, which abounds with persons who have an intelligent interest in the welfare of the labouring classes, and is among the foremost in promoting educational establishments—in Manchester, even, a recent inquiry into the condition of one of the lowest districts, leads to the following conclusions, as drawn by a recent writer in a London journal:—

"Our statistics showed that only one child in three received the elements of instruction; that no less than nearly 600 children, deducting all under three years, were neither at day school nor at work—in other words, growing up in ignorance and idleness; that out of a total weekly income for the 1,000 families of upwards of £780 (£781 14*s.* 7*d.*), not much more than £4 (£4 3*s.* 6*d.*), *i.e.* less than one one hundred and eighty-seventh of the earnings, was spent in instruction; that to supply the wants of a population of little over 4,300 (4,349), of whom 1,200 (1,203), were children under 12 years of age, there existed 44 houses for the sale of intoxicating liquors—*i.e.* 1 liquor shop to every 71 persons above 12; that 1 house out of

every 19 was of a disreputable character, known or suspected to be the resort of thieves and abandoned women ; and we may form some faint notion of the condition in which we fear to think how large a portion of the lower classes are living. As a result of a carefully conducted statistical investigation, it is plainly shown that in the midst of one of the very wealthiest cities in the world, a city distinguished above almost every other for the number and excellence of its educational institutions for the people, there exist many thousands of children—said to be no less than 50,000, out of a population under half a million—growing up in the lowest state of degradation; and this, be it observed, not generally from the poverty of the parents, numbers of whom are earning, we have said, a rate of wages amply sufficient to maintain and educate their families. Here we have—and that too at a season of peculiar destitution, for the inquiry was conducted during the height of the cotton famine—a number of families whose means of living is at least equal in proportion to their legitimate expenditure, to that of the shopkeeper and even professional class—in many instances far above—yet who are sunk in filthy ignorance and misery of the most appalling kind, and rearing up a generation of children, said to be increasing in Manchester at the rate of two thousand a year, under every possible condition calculated to swell the numbers of our criminals and paupers. In face of the enormously increasing population of our large towns, such facts as are disclosed in these inquiries may well make the sanguine despair."—(Lancashire Jottings, *Inquirer*, Aug. 1865, III.)

The neighbouring town of Liverpool, opulent, intelligent, benevolent as it is, extending its influence through its commercial relations over the whole world, presents results not less appalling—in fact more so, because their official character gives them a painful definiteness and certainty. Major Greig, the chief of police, in his last annual report, gives the following brief but appalling statements respecting the cases apprehended :—

"EDUCATION.—COMPARATIVE STATEMENT FOR FOUR YEARS.

Years.						Neither read nor write.
1861	...	...	...	...	...	7,187
1862	...	...	...	...	...	9,178
1863	...	...	...	...	...	9,842
1864	...	...	...	...	...	10,280."

In addition to these, Major Greig gives above 15,000 in the last year, and above 16,000 in the preceding one, able "to read and write imperfectly," which is an educational condition of little practical value, making in each of the last two years above 25,000 apprehensions of persons without any available education, "This," he remarks, "is the lowest degree of education compared with any preceding year, and quite in keeping with the figures contained in the foregoing tables"—a painfully significant remark; for these

tables give the nature of the crimes committed, the number of persons apprehended, the arrests for drunkenness, the thousands of juvenile offenders, "painfully on the increase," under the age of sixteen. If such is the amount of ignorance existing among those only who have come within the grasp of the law, what is the condition of the whole population that has furnished them?

These are some of our neglected and destitute children.

The multitudes of them that exist in our country have never yet been numbered; no attempt has yet been made by the Government to ascertain how many hundreds of thousands, or even millions, of them may exist among us. Were inquiries made from the authorities of every workhouse in the kingdom, information might be obtained of the multitudes who come there without any education, to be a burden on the country. Were the gaol officials interrogated throughout the kingdom, we might learn how many of the untaught ones had taken their first degree in crime.

These children are ours; they cannot help themselves; they form a part of our society; they will become the people of our land; it is not their fault that they exist in this state of degradation; ignorance cannot heal itself. For our own sakes, as well as theirs, we ought to take measures to prevent their growing up thus uncared for. If we neglect the duty imposed upon us by our greater privileges and talents, they will unconsciously inflict upon us a dreadful revenge—a constantly increasing supply of pauperism and crime. They are even now doing so. Mackay's powerful poem, "The Souls of the Children," is no exaggeration, no fiction. Hitherto no national effort has been made to rescue the children.

> "All refused to listen;—
> Quoth they—'We bide our time:'
> And the bidders seized the children—
> Beggary, Filth, and Crime:
> And the prisons teemed with victims,
> And the gallows rocked on high,
> And the thick abomination
> Spread reeking to the sky."

Are then our neglected and destitute children to be educated? It is a great national question, and we doubt not that, if fairly and clearly put to the people, they would with one voice decide that in no manner could the public money be better employed; that if any portion of it is to be devoted to the education of the population, to this portion of it, above all, it should be liberally given.

Hitherto, however, no attempt has been made by the Educational Council to stimulate, or even to aid, efforts made in this direction. Until 1856 there was a steady refusal on the part of the Council even to recognise the existence of the class.

The liberal provision then made for them was speedily withdrawn, and another minute was substituted, which gave a small fraction of what was granted to pay the school for industrial work only. The Revised Code, while nominally open to schools of all kinds, virtually is unavailable for schools adapted to the wants of these children. It

must be at once evident to persons possessing even ordinary acquaintance with the condition and habits of the portion of society from which our destitute and neglected children spring, that an educational test, compliance with which requires the greatest effort in children of the wage class, whose parents endeavour to send them regularly to school and appreciate instruction, cannot be complied with by those miserable little ones, whose condition causes them to be irregular, and makes application most difficult. Besides, the necessity of having a staff of certificated teachers alone prevents the applicability of the Revised Code to the neglected class. I will not trouble the Section with a repetition of what I have repeatedly endeavoured to lay clearly before it—viz., why regulations intended for schools for the wage class are utterly unsuitable to these; how the reiterated applications for help have received constant refusals; and what are the real requirements of schools for our neglected and destitute children. I may only briefly state that in schools intended for them, intellectual culture, and good instruction in reading, writing, and arithmetic, are essential, with a sufficient and able teaching power; but it is also necessary that there should be industrial training, such as will develop their physical powers, and prepare their muscles for work; that there should be moral and religious instruction; and that every appliance should be employed, by playgrounds, baths, washing apparatus, and such other agencies as experience may suggest, to civilise as well as educate. At all times and in all places I shall be ready, when called upon, to enter fully on the subject. On the present occasion I shall confine myself to answering some of the objections, which have at different times been made, against giving pecuniary educational help from the parliamentary grant to the destitute and neglected children.

The first arises from the difficulty of absolutely defining the class. If they cannot be defined in words which will convey a distinct idea to the official mind, it is necessary only, as I have endeavoured to show, for one who wishes to arrive at the truth, himself to visit the localities where they abound, and the schools which contain them when partially civilised. Enough has already been said, it is hoped, on this subject. There can be no doubt of the existence of this mass of ignorance in our country.

Secondly.—The Ragged Schools are the only ones which have attempted to act on this part of the population, and a strong prejudice unfortunately exists against them in official quarters. They have been called "bad schools," calculated to "degrade" instead of elevating the children, likely to interfere with the sound education of the higher or wage class, and to drag them down to the lower, instead of elevating the inferior class to theirs. The validity of this last reason we utterly deny. When ragged schools are conducted as they should be they elevate a neighbourhood, instead of degrading it, and thus render a benefit to the better class, who, if they have proper feelings, never send their children to an inferior school to save the weekly payment. With respect to the neglected children themselves, who

can attend no other school, they have been greatly elevated in the social scale, as we who have long worked in these schools can testify; for we have seen our ragged children grow into respectable sailors, labourers, soldiers, and even tradesmen, themselves being now the parents of children whom they take care to have well educated. These schools elevate, instead of degrading.

With respect to the other accusation, that they are "bad schools," we sorrowfully admit their inefficiency, both in number and in condition; for there never have existed funds (except when they are under the immediate patronage of so distinguished a personage as Lord Shaftesbury), to conduct them as they should be conducted; these schools are necessarily very expensive, if they are good. This is not a reason for refusing help, which has been acted on by the Government in other cases. Some thirty years ago, when the educational condition of the labouring population was very low, the schools inefficient and the teachers uneducated, the Government did not on that account leave the labouring population to suffer an evil which they could not themselves remedy, but applied the public money to stimulate and aid voluntary effort in such ways as then appeared most judicious, in order to raise the educational status of the country. Great success attended their efforts then. We only ask that a similar course should be pursued now towards schools which are needed, but which they now consider inefficient. Such a plea that Ragged Schools are bad or inefficient, by no means affects the general argument. I do not here plead for Ragged Schools as now generally conducted—indeed I should prefer dropping that name and adopting another; I would only urge that the neglected and destitute children ought to be educated; that the education given them should be adapted to their wants; and that effective pecuniary aid should be given from Government funds, with suitable inspection, to enable voluntary benevolent effort to cope with the gigantic ignorance which now exists.

Other objections which have been urged against giving Government educational aid in the education of neglected and destitute children, spring from misapprehensions, which it is hoped have been removed by the facts which have been advanced in this paper. But it is necessary to notice one other, which involves an important principle. When failing to impress on the Educational Council the claim of this portion of the population to a fair share of the parliamentary grant, and the great evil of leaving the most ignorant in utter degradation, while abundant aid is given to those who can help themselves, we have frequently been told that those of our children who are destitute, can go to workhouse schools, and that if we require schools for the others, we can certify the schools under the Industrial Schools' Act, and thus obtain sufficient aid to carry on both a ragged school and a school for children sentenced by the magistrate. Now, were such a course as the last proposed expedient or practicable, it would not produce the effect suggested, of raising funds for the ragged schools; because the Government allowance for each child sentenced

under the Industrial Schools' Act is 5*s.* a week, which is now found insufficient for the expenses of educating, maintaining, and clothing each child, and requires to be supplemented from other sources. A Ragged School could not, therefore, be properly supported by help derived from the Government allowance for some sentenced children received into it, without withdrawing from them what ought in justice to be devoted to them. But the Ragged Schools, or free schools for neglected and destitute children, are for those who come voluntarily, and wish to be improved: and such children ought not to be associated with those who are placed under legal sentence. Besides this, the two schools are of a totally different character—the one being a simple day-school, and the other a boarding-school. The system adopted in each is unfit for the other, and even the localities and premises adapted to each differ *in toto*. The proposal to apply the Certified Industrial Schools' Act to the tens of thousands of children who exist in dense ignorance in our country, is simply impossible, because the children do not necessarily commit acts which would bring them under the provisions of that law; and if they did it is absurd to suppose that the magistrates of Bristol, Manchester, or any large town, could or would sentence thousands of children annually to such schools, or that the Government would allow the continuance of an Act which clothed and fed children from the public treasury, at an expense of £13 per annum, simply because they required education which might be provided them at a cost of £1 per annum. Equally untenable is the suggestion that destitute children should be sent to a workhouse school. If they are not actually paupers they cannot be relieved, even in the matter of education, by the parish funds, and surely we ought not to desire that they should be pauperised. But even if their parents are actually receiving out-door relief, it by no means follows that their children will receive education; on the contrary, as the law now stands, it is most probable that they will not. Providing education for children whose parents receive out-door relief, or who, being orphans, receive it themselves, is not compulsory on guardians, and therefore is seldom given by them. This proposal is therefore untenable. The tens of thousands of our neglected and destitute children remain untaught and ignorant. Voluntary Christian effort has done its utmost, but cannot unaided grapple with the enormous evil. Let the Government efficiently help this as it has done other departments of education, and abundance of voluntary effort will support it. One pound given annually for the education of each of these children, in a school where they would receive a true and useful education, adapted to their requirements, would save the country £13 per annum for education in a certified industrial school; £16 in a reformatory; and from £30 to £40 per annum in a convict prison.

I earnestly entreat the Educational Section to solicit the attention of the Government to this most important subject, and to request that a full investigation of the extent and nature of the ignorance which pervades our land may be made in the Educational Committee,

which has not yet completed its sittings, and a proper provision made for these children.

We have "bided our time" in this matter of the neglected and destitute children. The consequence has been, what has often been predicted, "beggary, filth, and crime" have seized the children, and established themselves in our midst. Let us all strive to rescue from them these children, and have them educated! Each one of these has powers within him, given him by the Creator, and he is cruelly injured if, in a Christian and civilised country, he is left to grow up to maturity without the power of unfolding his higher nature. Let us all feel the sacred duty of helping those neglected ones. All have immortal souls, and are the children of the same Heavenly Father! All are born free and equal in our land; all may become useful members of the community if properly educated! Let the State no longer leave untouched the plague-spot in our midst, or neglect the thousands who cannot rise unaided, if they would, from the slough of despondency and ignorance which pollutes our country.

Government Treatment of Ragged Schools. By HENRY CARTWRIGHT, F.S.A., *Barrister-at-Law.*

OF all the momentous questions which have persistently claimed the attention of the English people of late years none has involved more interests, social and political, than that of public education. Thinking men have made this the theme of their consideration, both in and out of Parliament. Some have made it a stepping-stone to power and popularity, whilst others have used it as a peg to hang new-fangled notions and crotchety theories upon. Unlike reform and other purely political questions this has been considered as one both admitting of and calling for an eminently practical treatment, and the results have been various. Among others we have had a Public School Commission and a new Minute of the Board of Education, to which we may add a formal inquiry into the subject of education, *not* in its once-accepted sense as the method of imparting a certain amount of book-knowledge on sacred and secular subjects, but in its modern interpretation as including the whole process of training the young, physical, moral, intellectual, industrial, and religious, so that in maturer years they shall form honest, industrious, law-worthy citisens, robust healthy men, and sound christians. The results of the inquiry were in many respects startling, and have in numerous instances led to several experiments with a view to amelioration.

The first great point in the inquiry was to find an adequate test or standard by which to measure the amount of education in a given instance. The examination system was naturally proposed to be

extended for this purpose, and was as naturally adopted. For, at first sight, not only did this appear to be the true test, but there seemed to be a difficulty in suggesting any other which should have any claim to being practical. The examination system had worked well in the universities and public schools, as well as elsewhere. It only had to be extended, it appeared, to provide a sound practical gauge of education. It was discovered incidentally that the Civil Service harboured all sorts of know-nothings and do-nothings, and the general intellectual attainments of the servants of the Crown were found to be not worth speaking of. A Civil Service Commission was, therefore, constituted and provided to administer the infallible test of examination to all future candidates for government employment. The results were, errors excepted, eminently satisfactory. Oxford and Cambridge middle-class examinations were thereupon instituted, and the examinations in general of everybody, everywhere, in and for everything, became the rage. Where was it to stop? Should candidates for the premiership compete, and should he who was best posted up in Hallam, Russell, Blackstone, and modern languages be at once elected? It was too absurd. There is evidently a superior limit beyond which examinations become farcical—that limit is far beneath the premiership. As far as Civil Servants are concerned the line has been drawn between subordinates and heads or superiors in any department. Indeed, last year we had proof that even the subordinates of one whole department—that of the British Museum—had been, as it turned out, injudiciously brought under the yoke of the Civil Service Commissioners. This was shown by the resignation, on account of alleged incompetency, of the gentleman who had passed by far the best examination in that office since the introduction of the system.

Is it possible that there may be an inferior as well as a superior limit? Can it be that there is a line to be drawn, on one side of which examination would be just as absurd as cross-questioning Messrs. Disraeli and Gladstone on their financial policies, with a view to awarding the Chancellorship of the Exchequer to the one whose answers were most satisfactory? Is there a class to whom an examination, even of the most elementary character, would be not only absurd but unfair, even to cruelty? It seems that there is, and that this class of the population consists of the numerous attendants of the Ragged Schools of Great Britain. It follows, then, that either the education given in these schools is worthless, or that the examination test is not infallible. We shall see that the latter allegation is true, and the former false.

The examination system proceeds on the now exploded assumption that the acquisition of a certain number of scholastic attainments is the end and essence of education. Certainly where, as at our best public and private schools, physical, moral, and religious training follow as a matter of course, being the rest of what goes to make up the schoolboy's life, the intellectual calibre manifested is undoubtedly a fair criterion of education, for we may assume the remainder to

be pretty equal in all. But as we descend the scale, the relations between the physical, moral, religious, and intellectual, vary considerably and uniformly. On arriving at the National Schools, for instance, we at once see that a great change has taken place in the relative values of intellectual on the one hand, and moral and religious training on the other. We find that so far from these latter being considered as what a logician would call inseparable accidents to the former, that they have to be sedulously and primarily inculcated to the prejudice, if need be, of the merely secular attainments. Before proceeding to teach pupils even the fundamental arts of reading and writing, they must first of all have attained to a certain condition of physical, moral, and religious excellence, which, in pupils of a higher social grade, belong to their status in life. They must be decently dressed, personally clean, exhibit the rudiments of good manners, be tolerably well fed, baptised as Christians, and be grounded in some measure in the principal articles of their faith, and so on. Now suppose, always descending, we arrive at a class of urchins who possess none of these essential preliminaries, or at the most combine but two or three of them. Suppose they are ragged even to partial nudity, filthily dirty even to exciting disgust, noisy, pugnacious, obstinate irreverent young blackguards, picking up their food how they can, living almost in the streets, and frequently even suffering the pangs of hunger; though not actually dishonest, yet knowing and acting under no fixed principles of right or wrong, baptised or not, as the case may be, and thoroughly heathen. Imagine the labour, the patience, the kindness, the tact requisite on the part of the teacher merely to bring these young vagrants to the physical, moral, and religious standard, which is the normal condition of pupils of higher schools on commencing their book-work. Imagine all this, and we have an approximate idea of the Ragged Schools, the classes received therein, and the nature of the education required to be bestowed upon the scholars. When we come to add the necessarily partial attendance of the pupils, caused by the irregularities inseparable from the nomadic life of their parents and themselves, we may conceive the absurdity of subjecting these little reclaimed castaways to an ordinary examination test of scholarship of however simple and elementary a character.

We have shown where the line for the superior limit of the examination system is drawn, and we now see that the line for the inferior limit may be safely drawn under the National Schools and above the Ragged Schools. But although the examination system here fails to give any appreciable results, is the education bestowed therefore worthless? Heaven forbid! Is it nothing to go into the streets, and alleys, and courts, and hedges, and high roads, and reclaim these little children, banned by all, whose training is looked upon as desirable, mayhap, in the abstract, but as no one's business in practice, to take, as it were, these embryonic cells of future sin and crime, and by careful, loving teaching develope in them industrious habits, self-reliance, independence, and jealousy of charity, feelings

of humanity and mutual forbearance, and, finally, putting these waifs and strays in the way of earning honest livelihoods, and instilling permanently into their young hearts the precepts of the Gospel?

What artfully-contrived examination will tell us of the amount of good that has been effected in these little creatures? What *viva voce* examinations or cunningly devised papers will exhibit to us the bright eye, cheerful alacrity in the performance of duties, respect for superiors and law, industrious energy and self-confidence, honesty and sound religious feeling of our reformed young reprobate?

As what are known as Ragged Schools effect such a happy result, it may be well to inquire into their constitution and history, that we may know to whom credit and thanks are due. Who started them? Who keeps them up? The ubiquitous but hypothetical intelligent foreigner, always appealed to by Englishmen as an impartial observer, would spontaneously answer that the rich English Government most indubitably defrayed the comparatively small outlay. He might argue, and wisely too, that the nation is not only equitably bound to support these institutions, but that it is to its own material interest to do so. He would say in support of this proposition that a large number of boys and girls who, abandoned to themselves or their baneful associations, would inevitably, when adolescent, if not before, become a constant charge on the country either as paupers or criminals, were deducted from those already numerous classes and added to the national labour market, that thereby the poor-rates were kept under instead of increasing enormously if, as must happen if these schools are broken up and their pupils let loose on society, a large proportion of them become chargeable to their respective parishes, or were maintained at the public expense as more or less permanent criminals. A portion of these great savings the Government would apply to the maintenance of these schools. For the intelligent foreigner is nothing, if not logical.

So far from this halcyon state of things, could we easily make the aforesaid stranger credit that the government actually refuses any assistance whatever to these schools, leaving their whole expenses to the few private single-hearted philanthropists, who to their own incomes alone have to look for every sixpence necessary to defray the outgoings on account of the working of this real national benefit? Or would he easily believe an even worse case—that the assistance is offered by government under impossible conditions, thus making its withdrawal gratuitously cruel? Yet such are the facts; and what are the conditions? No less than conformity to the examination system, the absurdity and impracticability of which, in this instance, we have just endeavoured to point out.

It may to some people seem easy enough for "any one" to satisfy the conditions of the examination. But when we remember the large amount of elementary training, even for civilising, that has to be effected in the case of the attendants of Ragged Schools, coupled

with their irregular attendance, and add to this the great difficulty we ourselves encountered in merely learning to write, and the years it took us to write anything like a presentable hand, we shall not under-estimate the severity of even an examination like this to scholars so peculiarly circumstanced. In fine, it is absurd and cruel. Hence the capitation grant becomes a farce—*pur et simple.*

But even a greater cause of complaint exists. The Lords of the Privy Council profess to pay only for results, and in the school in which we are interested, as well as in a few others, by the efficiency and attention of the teachers, the results, as tested by examination, have been pronounced satisfactory by the inspectors of schools; but by a rule of the revised code no payments are to be made, unless those results are produced by a certificated master. The Committee of Council is not satisfied with a good education, unless it be produced in a manner of their own designing, which is as reasonable, as if the Government, in decreeing free trade in corn clogged it with the condition that it should be imported in balloons only, and of a government pattern.

Now, with the teacher it has been found, as might have been expected, that obeying the usual law in these matters a first-rate man would be as much out of place as a wrangler engaged to teach spelling. No teacher should be too far removed socially or intellectually from his pupils. We are discovering that it is better for the most intelligent of the working men to undertake the management of their own literary institutes, clubs, &c., than for matters of detail to be left to lords and squires. Such is the level of these poor children when first reclaimed, that even the modest intellectual attainments and status of a certificated schoolmaster would operate as a disadvantage, and, consequently, teachers who have themselves belonged to the same class as their pupils, and between whom and their scholars but little difference exists, save what may be attributed to superior moral and religious training, combined with a faculty for exercising that unseen yet strong influence over youth so indispensable to all preceptors, have been employed with the most satisfactory results. To demand that in their stead the greater expense of certificated masters, who might not possess that valuable influence for good, be incurred, is a fitting corollary to the previous condition of the government.

The Council may pride themselves on a great stroke of economy, but those who are in earnest for the well-being of the poor, and who see in the proper education of youth the only sure guarantee for the future commonweal, are filled with just apprehension at the possible effect of this last move of *red-tapeism.*

Does the nation owe nothing in the abstract to the destitute, without regard to whether discharging its debt "pays or not?" Is not the very existence of such a class a necessary concomitant to an age of luxury? Do we owe nothing to the poor, whom the very constitution of modern society tends to make poor? Does not the apothegm of Bentham still hold good—that the poor do not

so much need *charity* as simple justice? Was not Goldsmith right in saying—

> "Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay."

The National Schools being out of reach, the minister told a deputation that waited upon him that the reformatories and workhouse schools were open to the Ragged School inmates, caring evidently nought for the expenses to be thrown on the Poor-Law Board or the Home Office, in the pride of bringing everybody and everything connected with the public education within the formal confines of the Revised Code. Ought we not at all risks to save them from either refuge? Reformatories are but for criminal lads, and notwithstanding that many kind individuals have encouraged them to their utmost by receiving their inmates as employès, still, to the general public, the *prison stain* is as Cain's brand upon the forehead, *never* to be eradicated; to be, perhaps, condoned, but never to be forgotten in their inner hearts. As to workhouse schools, the *prestige* they enjoy is by no manner of means enviable; that they are better than the reformatories, insomuch that they do not suggest the gaol, is their only recommendation; in all else they are worse. A worse education, neglect, encouragement of a feeling of servile dependence on public charity, and in short the production of a race of precocious sneaks, is the sum of the results of the notorious mismanagement of the Poor Law Guardians.

Prevention is better than cure! This is the keystone of the argument for Ragged Schools—whether shall we have let loose upon us from time to time bands of barbarous, ignorant heathens, or whether shall we, both for our own interests and mindful of the importance of Providence for the poor and for those little ones enjoined by the Gospel, rear up industrious, God-fearing, law-respecting citisens of the first Christian nation in the world.

And shall the whole burden of this care be left to little bands of noble far-seeing philanthropists, who, as we well know, belong for the most part to by no means the richer sections of the middle classes? They took the initiative, showed us the way, and, following up precept by practice, proved the matter feasible. We see everywhere its good results. Shall then the Government at this moment withdraw the small allowance that eked out the modest income necessary to meet the actual payments? Shall this effort, proved so successful, and of such national importance, be allowed to expire—or, what is almost as bad, shall a few private citisens in each town be allowed to distress themselves for the public good, in order to complement the deficiency caused by the apathy and misdirected economy of the Government? It is very likely that Lord Shaftesbury, acting in London, himself the centre of attraction to a large and wealthy body of benevolent people, may manage to do without the Government pittance; but in country towns this is for the most part impossible.

What is now urged on behalf of Ragged Schools, is, 1st.—That they be exempted from the ordinary examination test for the payment of the capitation grant adopted for schools of a more advanced or precise form of education, and that the Government Inspectors may be allowed a discretionary power of estimating the results of the school training and instruction by a practical standard having some better relation to the objects, while they might be charged with the duty of ascertaining that the attendance is confined to children whose circumstances in life would prevent their going to the National School : 2nd.—That where results are produced satisfactorily to the inspector, the employment of a non-certificated master, if in other respects unobjectionable, should not invalidate the claim for payment.

It will, *indeed*, be a *disgrace* to England, as the leading Christian nation, if the grant be not at once renewed ; and the Committee of Council on Education, in the event of refusal, will remain under the well-merited stigma of having, by its petty official spirit of domineering, done more to retard the education of the poor than all the united prejudices of the old school of educationalists.

The State of Popular Education, and Suggestions for its Advancement. By E. Brotherton.

The mode by which the Government of this country assists in the education of the people, is one which can only be fairly judged when the difficulties of the task are taken into account. It was required that the Privy Council should be neither religious nor irreligious ; that it should improve schools, yet have no voice in their management, and no power to found any ; that it should educate the poor, yet never come into immediate contact with them, or send a single child to school. The want of agreement among the religious bodies has put the Government into this difficult position ; and it is fortunate for the country that any good whatever has been accomplished in the 30 years during which the Committee of Council have been making grants.

Something has been accomplished in the improvement of schools, and in the training of teachers, but scarcely anything has been done to bring the lower strata of society under educational influences. An uneasy sense of this is felt, even in official quarters, and various changes have been made in the administration of the public grants within the last few years. In a debate in the last session of Parliament, Mr. Bruce is reported to have said that "whatever success might have attended the present educational system in the more populous districts, it could not be said to have exercised, in the poorer and less populous districts of the country, a very useful influence." Mr. Bruce went on to show that government aid has hitherto gone almost entirely to the larger parishes in the kingdom,

and that only 8 per cent. of the parishes, numbering less than 500 inhabitants each, were receiving government aid.

The truth is, that government grants, as now administered, scarcely reach the poorest part of the population at all, either in towns or in country districts. They are devoted to the aid of those who can afford to pay school fees, while those who cannot pay anything are left in their ignorance.

It is doubtless true that the town districts absorb the largest proportion of the grants, for the very evident reason that the population is more dense in towns. Suppose, for the sake of illustration, a rural district with a population of 100 persons to the square mile. Let four miles of this district be considered as a school district. There is, thus, a population of 400 persons to supply a school with pupils. About one-sixth of that number, *i.e.*, 67, will be children of school-ages, and of both sexes. But probably not more than half these children are able to bring school fees. To keep up a school eligible for government grants, *i.e.*, having a certificated teacher, for only 30 to 40 children would be very costly to the private benevolence of the district. But if, instead of a country district, we take for example a town with a quarter of a million inhabitants, and a density of population of 40,000 or 50,000 to the square mile, and suppose, as in the other case, only half the people able to pay school fees; each square mile of the town will be able to pay to support, with very little effort, seven or eight large government schools. Yet the result, even in this case, as in the other, will be that the poorest half of the population will be left uneducated. The rural district, with its 30 scholars, will have some kind of a school, with an uncertificated mistress or master, and no government aid; the town will have government inspection and aid, but only for those children who would have been at school if government grants had been unknown, though, probably, in that case, the schools would have been of an inferior kind.

It is erroneous to imagine that, at present, education reaches the mass of the people more fully in towns than in rural districts. In proof of this, I will refer to the "Report of the Royal Commission on the State of Popular Education," 1861, Vol. I, page 595. The proportion to the population of children attending public day schools is there stated to be, in Lancashire, only one in 13·3 persons, while in Wiltshire the proportion is one in 7·8, in Westmoreland one in 7·9, and in Oxfordshire one in 8·3. Thus Lancashire, with its immense town population, has a much smaller proportion of children at public schools, than some of the purely agricultural and pastoral counties.

Of the social and educational condition of the great manufacturing and commercial towns of Great Britain, perhaps Manchester may be considered as a fair representative. It is not in the highest or the lowest rank. And recent inquiries enable us to know, with some degree of accuracy, what its condition is. The Statistical Society of Manchester has long taken a deep interest in educational

questions, and has, at different periods, published the exact results of its inquiries. A report of this society was published in 1835, and another in 1862, respecting the educational condition of Manchester, giving, for the two periods, the following numbers of children attending day schools, and the population :—

Period.	Population of Manchester and Salford.	Children attending day schools.
1834—5	255,000.	24,676.
1861.	460,428.	41,848.

Thus, though the actual number of day scholars had greatly increased, the increase has not kept pace with the increase of population, and this is equivalent to an actual decline in numbers. Thirty years ago, there was one day scholar for each 10·33 of population; while in 1861 there was only one for each 11·00 of population. Or, to put it in other words, there were, in 1834, 967 day scholars in every 10,000 inhabitants; while, in 1861, there were only 908 day scholars in every 10,000 inhabitants. It is very probable that similar results would be found, if similar inquiries were set on foot in others of the large towns of England.

So much has lately been said about educational progress, that probably some incredulity may be excited by the statement of these figures. Those, however, who have known the working classes intimately during the last quarter of a century, and know also the composition of the masses in some of our large towns, will not be in the least surprised. In Manchester the statement of the facts awakened so much attention, that the Statistical Society commenced a very important inquiry, which is not yet completed: viz., an accurate and careful investigation from house to house of certain selected districts of the town, considered as representative districts. The details respecting one such district were published a few months ago, in a report issued by the society, and in that district it was found that there were 438 children attending day schools, while there were 577 neither at school nor at work.

In the beginning of 1864, a society was established in Manchester called the Education Aid Society; its primary object being to send to school the children of people who are too poor to pay the whole of the school fees. The choice of school is, in all cases, given to the parents. Generally, about half the school fees are paid by the society, but, in a few exceptional cases, the whole are paid. No grant is made until the family has been visited and reported upon to a sub-committee, which sits weekly, and by which the necessary grant is made. About 7,000 children are now attending day-schools, who have been sent by this society, and the number is constantly increasing.

It is probable, however, that the incidental and secondary results of the operations of this society will prove more important than the primary.

By means of a canvass from house to house, an exhaustive analysis of the working population is in progress. Hitherto, the society's visitor has been sent to ten different districts, far apart from each other, all of them inhabited almost exclusively by working people. These ten specimen districts may be considered to afford a fair illustration of the average condition of the working classes in Manchester and Salford. The lowest district of the whole town, however, and one which may be looked upon as the St. Giles' of Manchester, viz., Angel Meadow, has not yet been visited. A few of the statistics collected may be useful here.

The total number of families that have been made the subjects of inquiry is 2,896, and they consist of 14,963 persons. Among these there were 9,240 children ; 2,882 above, 12 years of age ; 4,359 between 3 and 12 ; 1,999 under 3 years.

Of those above 12 years of age, there were only 44 attending day schools ; 2,343 were at work, and 495 were neither at school nor at work.

The children between 3 and 12 are those with whom the inquiry is most concerned, and of these there are 4,359. They are accounted for as follows :—At work, 290 ; at school, 1,749; neither at school nor at work, 2,320—4,359. Thus there were only 40 per cent. at school, while there were 53 per cent. neither at school nor at work. These proportions varied but slightly in different districts, and there was no single district in which there was not a majority of the children between 3 and 12 that are neither at school nor at work. And lest any should object that children of three years old are not to be expected to go to school, it may be stated that some hundreds of the 40 per cent. at school are children between 3 and 5. They attend infants' schools.

The society gives no aid in cases where the family earnings amount to 3*s.* per head per week, exclusive of rent. The parents are then considered as able to pay. Adopting this standard, it was found that of the 2,320 children neither at school nor at work, the parents of 809 were able to pay. Of the rest, more than 1,200 children received grants from the society, and these children were from 603 families. The total income of the 603 families, consisting of 3,047 souls, is £380 4*s.* 9*d.* per week, and their weekly rent is £68 15*s.* 3*d.*, leaving £311 9*s.* 6*d.* nett, which is an average of 2*s.* 0½*d.* per week for each person. A further scrutiny of the 603 families shows that there are considerable differences among them, and that 305 of these families, consisting of 1,674 persons, *i. e.*, fully half the families, and considerably more than half the persons, receive a nett amount of only £114 16*s.* 5½*d.* per week, or an average of 1*s.* 4½*d.* per head per week. These 305 families are found in a total of 2,645 families, and constitute therefore 11·5 per cent. of the whole number, while they are 12·4 per cent. of the

whole number of persons. Of the families assisted those of widows were 13·6 per cent. of the whole.

The investigation made of one of the central districts of Manchester by the Statistical Society, has been already referred to. The incomes of 1,021 families were ascertained in the course of the inquiry; and of these, there were 339 families, or one-third of the whole, whose weekly incomes averaged only 5*s.* 6½*d.* per family. The number of individuals of these 339 families is not given, but taking them at the average of the families in the district, they would consist of 1,234 persons, and the weekly income would be 1*s.* 6½*d.* per head. If we deduct only 5*d.* per week for rent for each person, there remains the small sum of 1*s.* 1½*d.* per week each for food and clothing.

Taking as data the results obtained by the two societies, it is perfectly safe to infer that at least a fourth of the working population of Manchester and Salford are in receipt of not more than an average of 2*s.* for each person per week, after deducting rent. A much larger proportion of the whole will average less than 3*s.* nett weekly. The number of those with the smaller weekly income, viz., an average of 2*s.* per head, will be, in Manchester and Salford, at least 100,000; and of this number 20,000 will be children of school ages. This state of things is not the result of the cotton famine, or any temporary pressure. It is the normal condition existing now, when the cotton famine is past, and, there is no doubt, also existing, with equal pressure, in all the other large towns of England.

It is clearly not possible for people in such circumstances to pay school-fees. Unhappily there is a vague notion, widely entertained, that school-fees are now so trifling as to put education within the reach of all. A very little inquiry and reflection would dissipate this mischievous notion. Many parents are careless, it is true, but a still greater number find an insuperable barrier in school-fees.

Dr. Edwin Smith, in a report to the Privy Council, has stated that a large number of the people of this country are unable to procure the *minimum* quantity of food necessary to sustain life. He enumerates many classes of workers engaged in town occupations, and includes with them one-fifth of the whole agricultural population. If this be true, how unthinkingly cruel must be the conclusion that where children are not sent to school, it is only because parents are careless.

With those who have never felt the pinch of want, it is difficult to understand it. Examine carefully the following account of the actual weekly income and expenditure of a sober, hard-working man, who, a few months ago, having no work in his native Lincolnshire, came with his family to Manchester, and fortunately obtained work there. It contains nothing which needs vouching for—it speaks for itself—and whoever will thoughtfully examine it, may have some faint idea of the difficulties which beset the working man's education of his children.

When this man came to Manchester, he brought his wife and five children. Four months afterwards a sixth child entered his family circle. He is now earning 18*s.* per week; he abstains from intoxicating drinks, and he uses no tobacco. His wife is a clean, industrious, and careful woman, and the family appears altogether very respectable. The weekly 18*s.*, according to the statement of the wife, who has the disposal of the whole, is expended as follows:—

	£	*s.*	*d.*
Rent of the house	0	4	0
1½ cwt. of coals	0	1	0
Six of the family are members of a burial club paying 1*d.* per week each . .	0	0	6
Candles, soap, black-lead, oil, sand, and other small necessaries . . .	0	0	9
A doctor's bill is owing, for which a weekly sum of 1*s.* is appropriated . .	0	1	0
Total	0	7	3

Thus 7*s.* 3*d.* per. week finds its necessary use before anything is provided for food and clothing, and we have 10*s.* 9*d.* left for these purposes, for the family of eight persons. This is spent as follows:—

The bulk of the children's food is dry bread, of which, therefore, 1 lb. daily for each person is required—costing . .	0	7	0
Potatoes, 20 lbs.	0	0	8
ANIMAL FOOD.			
Butcher's meat for Sunday, 1 lb.; bacon for the week, 2 lbs. . . .	0	2	0
GROCERIES.			
Butter ½ lb.	0	0	6
Sugar 1 lb.	0	0	4
Tea 1 oz.	0	0	1
Total	0	10	9

The 18*s.* is now exhausted, and the children have no milk, treacle, or fruit; and still worse, there is nothing left for clothing. The animal food amounts to an average of about seven-eighths of an ounce per day for each person of the family, and the butter to one-eighth of an ounce per day per person. Of sugar there is a quarter of an ounce per day for each. No fresh clothing can be obtained for any of the family until some of the children go to work, unless one of the family should die, and the burial-club money should be obtained. The wisest man or the most economical woman would find difficulty in showing how the children's school fees are to be paid. And to

talk to a family in this position about Providence and economy would be the bitterest satire.

The importance of such an instance lies in the fact that it represents tens of thousands of cases all over England. Although this man's family is large, it is not unusually so, and his earnings are also large, compared with those of very large classes everywhere. Looking at such a picture, many things are explained. The constant struggle for life, with many, wears down patience and moral courage; with others health fails, and refuge is found in a premature grave. Hence, all such inquiries as those I have mentioned, show an immense number of families without fathers. The Statistical Society found that of 1,054 families visited, the heads of 205, or nearly 20 per cent. of the whole, were widows. Hard work, insufficient food and clothing, confined dwellings, and never-ceasing anxiety, thus tell upon thousands.

If the people were well-trained, it would be utterly impossible that such masses of them could remain in their present condition. It is because their best faculties have never been awakened that they are thus depressed. Mental poverty is with them the cause of material poverty. If our masses were educated, a spirit of enterprise and of mental activity would be awakened, which would raise the whole nation into a higher social and economical condition, and would all but annihilate pauperism. The Malthusian fallacy that there are so many places and no more, "at Nature's festive board," is long since exploded. There is an unbounded elasticity in Nature, and she yields her returns in proportion to the spiritual forces which man brings to bear. Our present system of society is an attempt to keep men with the dormant energies of a semi-barbarous state, where the population is far too great for any but a highly advanced and complex society to exist. We are guilty of a neglect that must, ere long, re-act upon the intelligent and governing classes, if some decisive step be not taken to educate the whole nation.

We do not need any radical change in the present system, to begin to do what is requisite. The one transparently manifest want at present is, the providing of free education for those who cannot pay. It would certainly be much better to have legal provision for this, than to provide it as a charitable boon; because many parents would be glad to claim education as a right, who would not take it from charity. In most large towns, the number of day-schools needs doubling. At present, local and benevolent efforts must be relied upon to provide these. If, in other towns, societies like the Education-Aid Society of Manchester were commenced, they would be of great service, not only in sending many poor children to school, and in aiding the formation of schools, but, probably, also, in showing what further legislation is required, and in preparing the way for some better system, by which, at length, education might be secured for every child born in these realms.

The existing government system cannot possibly do all that is

necessary. And it is not at all likely or desirable, that in this country, the central government should ever have the power of founding schools, appointing masters and mistresses, and wielding the influence and patronage which such an arrangement would give them. Yet the existing system has its definite sphere of useful action, the limitations of which are clearly marked out. Local organisations are needed to take up and help forward the work, without interfering either with the government inspection and grants, or the existing school management. English institutions are generally of gradual development and of slow growth. They are seldom founded on the overthrow of older institutions. It would appear to be in keeping with the national character that we should gradually improve, develope, and supplement existing organisations, rather than revolutionise them. Where there is sufficient public spirit and sincere desire to help forward the education of the people, to form a good general committee, representing all the chief sections of the community, this may be done. There is no more reason why sectarian differences should interfere with the impartial distribution of funds appropriated to such a purpose, than with those administered by municipal governments, or guardians of the poor. The government system has already prepared a clear line of impartiality, and as many local committees as are necessary may adopt the same general principles with perfect security.

CLASSICAL EDUCATION.

Classical Instruction. Why? When? For Whom? By W. B. Hodgson, LL.D. F.C.P.

Our shores are visited from time to time by intelligent foreigners eager to study our political institutions, our social customs, our processes of agriculture, or of manufacture. Let us suppose that such a one as the Parsee gentleman, whose zeal in the cause of Indian women won the sympathy of us all, a few days ago—understanding our language, but only slightly acquainted with our history and social condition, had arrived in this country anxious to to extend his knowledge and to turn his observations to practical account. I may well be excused from attempting to sketch in even the vaguest outline the elaborate and complex civilisation, with its bright lights and dark shadows—which would attract and bewilder, and almost overwhelm his attention. Let us suppose that, after a time, he gained some general insight into our mode of government, our manners, our religion, our laws, our mechanical industry, our commerce, our manifold and ever multiplying relations

with all other nations of the globe, our rich and various literature our national character. Such a man might reflect thus: children are in this country as in every other, born weak, helpless, ignorant, —yielding easily, with a few marked individual exceptions, to the plastic hands of those who would mould them in this or that form, to this or that belief—capable of healthy growth and development from within, under the application of outward stimulus, but also of being crushed, stunted, or perverted; of becoming, in short, either lovely flowers and useful fruit, or useless—it may be even noxious—weeds. Such a reflection as this would naturally suggest the question: What is done in the way of teaching and training to qualify and dispose the embryo citisens of this great nation to take a useful and honourable place in the social system in which they are destined to live, to promote their own good, and that of their fellows; and, not least, to ensure that the next generation shall be wiser, better, happier, than that which is swiftly moving off the stage of life? To such a man as I have supposed it might perhaps occur:—In this country there are rich people and poor people; all have not equal means or opportunities; from all, equal results are not to be expected; but, surely, in the case of even the moderately rich, all will be done that the most enlightened intelligence can suggest to form, and store, and guide the youthful mind, and in the case of those less favoured by fortune, this same object will also be aimed at, and proportionately realised. Probably, then, the children of parents of the higher class are carefully instructed in the nature of their own constitution, bodily and mental, the conditions on which its soundness and happy working inevitably depend; its relations towards the diversified existences, animate and inanimate, which surround it; the terms on which future well-being must be, if at all, attained. In the structure and use of their own language—so rich and flexible and strong, so that even thought itself might grow clearer from the clear medium of its utterance. In the art of tracing the relation of cause and effect so as to avoid not only mental error and confusion, but unwise and injurious conduct also; in the elements of the arts and sciences, on the knowledge and application of which hangs the prosperity of the world, and especially of this nation; in their own country's literature—abounding, as it does, in noble monuments of every kind of mental activity, and with equal power to instruct, to rouse, to purify, to direct, to charm, to polish, to strengthen, to refine, to make strong the delicate, to make delicate the strong; in the languages and literatures of other nations, whose social characteristics are more or less different, but with all of whom the advantage and even the necessity of free intercourse are daily on the increase, and from all of whom much is to be learned, without the sacrifice, nay, to the enhancing of national and individual originality and independence.

Our supposed foreign visitor might not, and probably would not, work out in any great detail the programme of a system of instruction (*i. e.* building up), such as he might expect to find; but it is not at all improbable that, looking at the facts of the case, and

estimating future obligations and necessities, he would reckon most confidently on finding a foremost place assigned to such studies as I have roughly indicated. Well, what would be his astonishment if he were told that in the school-training, not of the poor only, but of the rich also, the very rich, every one of these subjects is more or less neglected, that what seemed to him the most important and indispensable things of all are left to future chance, or, at the most, to a later provision; that during the whole course of the school-life, extending over ten, twelve, or more years, the mind is applied almost exclusively, in the best cases mainly, to the languages and literatures of two ancient nations who ceased to exist centuries ago, who lived before even the infancy of our modern arts and sciences, whose religion and morals were widely at variance, if not wholly inconsistent, with the religion and morals which here prevail, and which are held as a revelation from heaven itself, nations whose people, whose great men even were stained with gross vices, whose military glories (in the case of one of these at least) have so dazzled the eye and corrupted the moral sense of subsequent generations as greatly to retard the peaceful progress of commerce and civilisation! Even if he found, as doubtless he would find on farther inquiry, that these literatures contain much, very much, that is beautiful and good, and that examples of heroism and virtue, worthy of all praise, are scattered over the blood-stained records of their history, I do not think that his astonishment would be greatly diminished; while it would be vastly increased, and would approach amazement and even incredulity, were he to learn that, on the authority of able men, themselves the subjects of this system and favourable to its continuance; this system, as pursued in its most richly endowed and in all ways most favoured institutions, is declared a failure—"a failure," and here I quote the "Times" Summary of the Report of the recent Commissioners—"a failure even if tested by those better specimens, not exceeding one-third of the whole, who go up to the Universities. Though a very large number of these have literally nothing to show for the results of their school-hours from childhood to manhood, but a knowledge of Latin and Greek, with a little English and arithmetic, we have here the strongest testimony that their knowledge of the former is most inaccurate, and their knowledge of the latter contemptible. A great deal is taught under these two heads, but very little is learned under either. A small proportion become brilliant composers and finished scholars, if they do not manage to pick up a good deal of information for themselves; but the great multitude cannot construe an easy author at sight, or write Latin prose wthout glaring mistakes, or answer simple questions in grammar, or get through a problem in the first two books of Euclid, or apply the higher rules of arithmetic. A great many, amounting to about a third at Christ Church, and a fifth at Exeter College, fail to pass the common Matriculation Examination. Not less than a fourth are plucked for their Little-go, a most elementary examination in the very subjects which we have just mentioned; and of the rest

many are only enabled to pass by the desperate exertions of College Tutors and 'coaches.' We need not follow this class of public schoolmen through the remainder of their University career, since the duty of teaching has then devolved upon others, but for their shortcomings at entrance the schools are mainly responsible. Most of them, says an Oxford tutor of great experience and judgment, 'are persons who were allowed as boys to carry their idleness with them from form to form, to work below their powers, and merely to move with the crowd; they are men of whom something might have been made, but now it is too late; they are grossly ignorant, and have contracted slovenly habits of mind.'"

On recovering from his very natural amazement, our foreign friend might possibly be curious to know how a state of things so anomalous and perplexing had come about. Gradually he would learn that it had its remote origin in a period of European history between the decay of the old and the growth of the new civilisation, when it may be briefly and comprehensively asserted, that, Latin and its literature apart (for Greek was of later date as a branch of general school teaching), there were—1. No subjects to be learned; 2. No pupils to be taught; 3. No language in which teaching could be carried on. A few minutes may well be spent in considering this very curious position. There were 1. No subjects to be learned. Arts and sciences, as we now understand and pursue them, scarcely existed; they were confounded with the ancient literature in which scientific observations and theories were recorded; there were no modern languages or literatures to claim and repay study. Latin, or its practical synonyme, grammar was, accordingly, identical, co-extensive with instruction. 2. There were no pupils to be taught. The mere idea of educating a whole people, of opening their mental eyes, forming their judgment, training their character, by means of knowledge, had not been even conceived. Not even the higher, or highest classes of the laity, were believed to need instruction. Ecclesiastics only needed and received instruction, and in their case it was naturally directed to the language in which the church offices were performed, in which the church history and traditions were enshrined. 3. There was no language, but Latin, in which teaching could be conducted. Neither English, nor French, nor Italian, nor German, nor Spanish, nor any other modern language, in anything like its present state, existed. You know as well as I how and when they came into being. Petrarch more than half regretted his having ever written in Italian the sonnets which are the title-deeds of his fame, and fancied that posterity would delight to read his Latin poem on Africa, which is quite forgotten. Through what medium, then, except Latin, could any one be taught? Latin, in which the learned of all countries wrote and corresponded with each other to later times—Petrarch, and Erasmus, and Milton, and even Locke. The influence of this threefold state of things was prolonged in spite of gradual progress. New subjects arose, but Latin held its place; a portion of the laity claimed a share of the instruction of

the time, and ecclesiastics taught them the Latin which only they knew, and that not well. New languages were gradually formed, and crept into general un-literary unscientific currency. But in European countries Latin still maintained its place more or less exclusively as the medium of teaching science and literature. Not many years ago, I travelled with a Piedmontese physician who spoke Italian badly, French not at all, whose local *patois* was a burden to himself, and who bitterly complained to me of his having been taught even medicine, as well as logic and rhetoric, through Latin, while in Italian he had never received a single lesson. In our own land the change has gone somewhat farther in each of the three respects just stated. Other subjects of instruction have more or less recently, more or less grudgingly, been allowed to break in upon the sacred monopoly of Latin. First, Greek, now so glibly coupled with Latin, like Day with Martin, or Swan with Edgar, fought its way to admission through opposition, the story of which would now excite some amusement and surprise. Then mathematics, more lately; and it is now commonly declared that in this branch of study is found the needful and sufficient counterpoise to the old linguistic training, inasmuch as it exercises the reasoning faculties, the subject, however, being purely abstract, and one in which never occur the names of man or woman, or right or wrong, or duty or interest, of good or bad, praise or blame, or any other of those many things about which human reasoning is habitually employed in later and daily life, so that though, like chess, it is valuable for fixing the attention, it is a very inefficient training for ordinary thinking on moral questions. As Sir Wm. Hamilton has said:—"The railroad of demonstration is a poor preparative for the hunting ground of probability." No other subject is taught otherwise than too exceptionally and incompletely to claim notice in this brief paper.

Yet, how marvellously changed is the whole aspect of the world since this system first took shape. I need not do more than hint at our progress in science, arts, literature, mechanical productions, and exchange at home and abroad; at the startling growth of foreign literatures; at the multiplication of sources of thought and subjects of interest general and deep; at the discovery of new and vast continents, over which is being rapidly spread a population speaking our language, in part living under this country's government, in part under a government of its own, in either case bound to us by many ties of interest and affection, and adding everywhere to the common fund of the world's thought and knowledge, "Quae regio in terris nostri non plena laboris?" What region of the wide earth is there that is not filled with both the record and the results of our national achievements?

Is everything to move on except education, which is to prepare for everything? Is progress to be universal except in that one thing which ought to herald, and facilitate and guide all progress? How long, one is driven to ask, is the present system to be maintained? In spite of coming changes, the extent of which we can

but faintly guess, though we may clearly foresee their direction, is it absolutely ordained that centuries hence, even to the very end of time, our remotest posterity shall learn precisely what their ancestors learned, in default of anything else, and be taught precisely as their ancestors, in the infancy of the teaching art, were taught? Had we to begin anew, to construct anew the educational edifice, few, perhaps, would say that it ought to be a faithful copy of the old? Can the present system, then, be not merely the result of historic causes, necessary and even useful in its season, but the fulfilment of providential decree, which must be binding now, henceforward, and for evermore? If not, then it is wise to inquire whether the time has not arrived for introducing changes which may facilitate and promote farther gradual change hereafter. I venture to think that this time has arrived, and that, in the interest of whatever is good in the old system itself, it is well to modify what it is impossible long to preserve unchanged. The present system is clearly untenable, and its doom is, I think, a question of time only. It is because I attach a high value to the educational influence of Greek and Latin, in proper place, and time, and mode, that I presume to invite the attention of this department to the questions stated in the programme—"Why? When? For whom?" These three questions are intimately blended. None of them can, apart from the others, be fully answered. On the first, the reasons why, I need not enlarge. They have been lately stated, for the ten thousandth time, but with unusual freshness and force, by Mr. Bonamy Price, who, being himself a bright example of the good effects of such culture, is modest enough to assume that most others to whom it is applied are quite as good as he. But on all those reasons it suffices to remark that not one of them applies to any but to an advanced school-age, when only can the youth really appreciate the high work in which he is engaged. The wretched reality which experience reveals is in contrast, at once ludicrous and painful, with the glowing picture painted by Mr. Price.

As regards the second and third questions, taken always in conjunction with the first, I can only briefly say, as the result of my own experience and reflection, that by deferring these studies to a later period of life, by thus reducing the number of those to whom this instruction is administered, and the amount of time devoted to it, as well as the area over which it is spread, a greater amount of good would, on the whole, be achieved. Fewer persons would learn Latin and Greek, but those few would learn them more thoroughly and with greater profit. The fact that now, after all the expenditure of time and labour, so small a proportion of those taught exhibit even fair attainments, is conclusive against the present system, which sacrifices the many needlessly and wrongly for the sake of a select few. Nor can it be justly said, though it is often said, that even if no great knowledge of the tongues, and no knowledge of the literatures, have been acquired, still a useful training has been gone through, and the mental powers have been strengthened and suppled

by exercise. I much fear that the influence is quite the other way, and tends to discouragement, apathy, distaste for learning, mental compression, and mental torpor. "The labour we delight in physics pain." Intellectual occupation, in which the intellect is a willing agent, not a drudging slave, and intellectual progress, are needful for even moral health. Mental vacuity is at the root of much moral mischief; and congenial mental work is one of the best preventives of the vices which idleness ever fosters.

In discussing this subject, we are too apt to fix our attention on the favourable exceptions, the small minority who seem to have really derived advantage from the process through which they have passed, and we are tempted to forget that it is to "the mass" that education ought to be adapted, and by its success with the mass that every system must be tested. What should we say if a Sheffield cutler were to boast that five, or even ten, per cent. of his knives were sharp, and strong, and bright? We should be disposed to inquire about the remaining ninety, and to draw no favourable inference as to their cutting power.

Again, we are often confronted by a distinction which, though sound enough in itself, has little real application here. Instruction, we are told, is one thing, education is another; even of instruction the imparting of knowledge is not the chief part, while of education it is but a small and a very subordinate part. Very true; but it by no means follows that those subjects which are capable of what is called useful application in actual life are devoid of educational influence in the process of their acquisition. The question is really much less one of subject than of method. Any subject may be taught intellectually, suggestively, improvingly, or in a dull, mechanical, stupifying way. Because much present teaching of Latin and Greek is of this latter kind, I do not argue against all teaching of Latin and Greek. But, on the other hand, I contend that it is most unjust to speak, for example, of physical science as a mere congeries of detached facts—the learning of which can give no beneficial training to the mind, no real exercise to any of its powers, except to memory. Were our scholars and our teachers themselves better instructed in such subjects, they would find, I think, that the processes of observation, generalisation, and induction, through which a pupil may be carefully led, afford a mental discipline of the highest value, and do much to train to habits of mental accuracy, cautious inquiry, conscientious balancing of probabilities, steady and honest work. It may be that even in training power, the words of dead men are not equal to the works of the living God!

Again, it is not unusual to speak and write as if outside of the charmed circle of Greek and Roman letters, all were barren, arid, prosaic, commonplace, mechanical and cold. The very exclusiveness with which the term "classics" is popularly restricted to Latin and Greek is a standing monument of this fallacy. Are such writers as Shakspere, and Milton, and Wordsworth, and Tennyson, in our own tongue, or in others, as Göthe, and Schiller, and Dante, and Ariosto,

and Rousseau, and De Staël, incapable of inspiring literary enthusiasm, or exercising critical taste? The case would not be altered were any amount of indebtedness to the ancients proved against the moderns.

Even if the superiority of Greek and Latin over all living tongues be admitted (and I may say, in passing, that, without large qualifications, I cannot admit it), it is not a necessary sequence that those other languages are not important means of mental discipline, if rightly taught, as well as of high utility in the affairs of life. The whole question is comparative. It is not what subjects are, in one or other way, useful; but what subjects are, upon the whole, the most useful in degree, as in kind; which are the indispensable, and which the merely advantageous or ornamental. Now, I cannot but hope and believe that, in this matter, the progress of opinion is tending towards this conclusion, that those subjects most useful to the poor as well as to the rich, to women as well as to men, those most akin to the deep unity of our common human nature, are the subjects to which attention ought, in every case, to be directed first and chiefly; that the essentials of education (not confounding essential with necessary, as we often do) are in all cases the same, and based on those things in which we all agree, not on those in which we differ. In urging the other day, in this place, that the education of girls ought, in all essential respects, to be assimilated to that of boys, I did not mean that it should be made like to that of boys, as it now exists. May heaven forbid! but rather that each should borrow from the other whatever it has of good, and that both should grow towards a common and still distant ideal. So with the rich and the poor; the great substratum ought, it seems to me, to be in both cases alike; it being the enviable privilege of the former to superadd whatever other culture their greater leisure and ampler means may enable them to obtain.

According to the length of time given by the pupil to the school would be the gradation and development of his studies. No boy, leaving any school, say at the age of even twelve years, would be ignorant of his own language as a means of communication, by writing as well as by speech, of the elements of natural science, especially of his own bodily structure and of the laws of conduct, without some dawning but ever brightening perception of the inter-dependence of all human interests rightly understood, and without some purpose, strengthening "with the suns," to guide his own life accordingly, to seek his own blessing in blessing others, to do good to others by improving himself; unable to observe, and think and reason, but able to repeat snatches of Latin grammar rules, to decline certain nouns and adjectives, to conjugate certain verbs, a kind of knowledge which I venture to think extremely unimportant, unless it be carried forward to higher attainments, methodised and utilised by study of its literature.

A boy prolonging his stay at school beyond the period necessary for acquiring the amount and sort of knowledge and of training at

which I have but hinted, would, besides deepening and widening and fixing his knowledge of those subjects, and confirming his mental and moral habits, extend his range of study, and acquire more or less of one or more modern tongues, say French and German, the teaching being ever reflected upon that of the vernacular, and would take up other branches which it is impossible for me here to specify in detail.

Lastly, those youths who should prolong still farther their school period would, in reduced numbers, with faculties well disciplined, with a love of congenial mental exercise—such as every human being has in greater or in less degree, if it be not crushed by bad teaching or by neglect—with a clear perception of the use, as well as of the pleasure of learning, with minds maturer and more vigorous, enter on the study, say, first of Latin and then of Greek. The progress now so slow, painful, unequal, and irregular, would be vastly more rapid, pleasant, uniform, and sure. Cramming of the memory, now declared to be indispensable with the very young, would, at a later age, be superseded by intelligible explanation, and intelligent perception of principles; the authors read would be better comprehended, better appreciated, more enjoyed; the knowledge of words, constructions, idioms would grow swiftly, insensibly, day by day; the judgment and taste first exercised on the writings of their own country's authors, would be brought easily to bear on those of Rome and Greece; the beauties of Homer, and Horace, and Virgil, and Sophocles, and Livy, and Thucydides, would not, as now, be wasted on dull and unwilling ears, but would be really felt; and all the good effects, intellectual, æsthetic and moral, which—in the hands of a skilful teacher, with a heart in his bosom—and not merely a mass of learned lumber in his head—such studies can undoubtedly be made to yield, would really be accomplished, and not merely imagined, and in the great majority of cases imagined falsely—to be accomplished. Fewer persons would then be taught Latin and Greek; but more persons would learn them than now—they would learn them with greater ease, satisfaction and advantage in many ways.

This they would do without neglect, nay, to the gain of other studies, now too much neglected. Those who could not carry on a training in Latin and Greek to any really useful point, would not have wasted their time, but would have gained that kind and amount of knowledge and discipline, to which Latin and Greek may be a most admirable complement, but for which their verbal elements are a most wretched substitute.

Let no one, therefore, denounce me as "an enemy of Latin and of Greek," "a foe to liberal culture," "a low utilitarian," "an advocate of cramming as opposed to training—of bread and butter sciences, in opposition to education worthy of the name; or pelt me with any other verbal missiles, such as, in this controversy, are too freely used. I am, I confess, a strict utilitarian; but it is a high and broad, not a low and narrow, utility for which I contend; imagination itself I maintain to be truly and nobly useful. I am at heart a friend to Latin

and Greek. I would not lightly part with my own knowledge of either, though it might have been far less dearly purchased.

I would, it is true, save multitudes from the mistake, the misery, and the mischief of merely pretending to learn them; but I would make the teaching real and fruitful wherever it is attempted, and I would put no limit to the height or depth to which it should be carried by those so disposed. I may, of course, be in error as to the proposed means, but I am quite certain that the end I aim at is the improvement, and the binding together, of all classes of the community by a rational and generous education, common to all in its main principles and essential features, but capable of wide diversities in its later developments, according to the means, the talents, the dispositions, the destinations, social or professional, of its individual members, male or female, rich or poor.

THE ECONOMICAL VALUE OF EDUCATION.

The Politico-Economical Value of a Sound Elementary Education of the Wage-Class. By the Rev. J. Lettis Short.

THE phases of the education question are as numerous as they are important. The safest and the most impregnable ground for the advocates of the education of the wage-class is the broad one on which it is maintained that, God having given to each human being a specific amount of intellectual and moral faculty, society is bound, by the most solemn obligations, to cultivate and unfold it by means of a sound elementary education, and then to send it into life to work out the best results it can effect for its individual possessor, and through him, for society at large. Our duty and our interest are equally involved in the prosecution of this course. Unfortunately for the common weal, the blindness and the selfishness of man have alike impeded the great result, and an appeal has to be made to lower motives to aid its coming.

I hope to show that a sound elementary education of the wage-class has a politico-economical value that is inestimably great, even if viewed simply in relation to the special education of that class received during their apprenticeship to their various trades and manufactures—a view of its value that is specially contracted, because any extension of it beyond these limits would demand a treatise that should embrace the primary causes of the vast advances of recent civilisation, those advances, as I believe, having chiefly grown out of the better, but still most imperfect, education of the mass of men that has prevailed during the last fifty years.

What, now, is the object in view when a boy is apprenticed to a tradesman or manufacturer? It is not, I grant you, his initiation into the convenient, impressive, and powerful expressions of mental action that are embodied in books and the fine arts; but it is his

initiation into some one or other of those intellectual energies pervading the industries of the world, not a few of which have never yet found expression in either libraries or galleries. Literature and art themselves, properly speaking, are but forms of expression, they are but embodiments of ideas, not ideas themselves; nor are they the only forms of expression or embodiment which ideas obtain, common as is the fallacy that they are. Ideas are quite as efficiently expressed in manners, in ceremonies and in rituals of worship; in governments, institutions and local improvements; in commerce, in architecture and in mechanism; in personal attire, in household furniture and in domestic utensils, as in treatises and poems, and painting and sculpture. Writing and the arts are but signs and exponents of that inner world of the mind, of which these other facts are signs and exponents just as much and quite as weighty.

Go into any one of the exhibitions of industrial art that are now so deservedly popular—go the round of the vast factories in any of our manufacturing districts—take up any coarse utensil of commercial or domestic use, and reflect a minute on what it represents. Surely not only the invention, but also the inventor's thought. Before the forms existed they were ideas in the manufacturer's mind. Neither one nor the other of these forms gives simply the impression of wonderful achievement or bulky force; an impression of the workshop or the factory, of files and hammers and engines; but they impress us as expressions, as embodiments of the images in the conceiving mind that preceded all these forms, as expressions, as embodiments of the inspiring ideas without which these forms had never existed.

Think what a filmy conceit the ship once was, which now has become a thick-ribbed creation of the mind, a set of swimming thoughts with rudder and sails, a chapter in political economy written in iron and oak, a volume launched and gone to sea. Think what a bodiless thought any elaborate piece of mechanism once was, which now has become an embodiment in matter of profoundest thought, harmonising antagonistic forces, combining the most abstruse details, meeting the remotest exigencies, working just as the inventing mind meant it should, as if that mind were presiding over it and were in it. Express the thoughts embodied in it through a literary or artistic, instead of a substantial form, whether of wood or metal, and you require a treatise of large dimensions in words, or a drawing elaborate in details of art. Out of silence, out of abstraction, out of clearly defined thoughts, leaped all the mighty forces that create and carry the wealth of nations and change the face of epochs; and there they stand, permanent expressions and embodiment of those thoughts.

The same is true of all the necessities of life—of all our clothing, dwellings and domestic utensils—they are all and each embodied thoughts, a series of intellectual proceedings. The prosecution of every useful art involves the same fact. The manifold results of the artifices by which food is prepared for our use from the condition in which it is furnished by nature; of the processes of

baking, brewing, and distilling; of the manufacture of paper, glass, pottery-ware, and porcelain; of the operations of bleaching, dyeing, and calico-printing; of the preparations of inks, salts, drugs, paints, perfumes, soaps, candles, and explosive compounds; of smelting, moulding, rolling the metals and their alloys; all testify the patient experiment and meditation and final grasp of thought, out of which they sprang, and to which they now give perceptible form. They all imply in the last degree, thoughts, mandates of will, by which man handles, moves, shapes, combines, modifies or transforms the elements and substances of the world, and produces results by the intervention of his thought guiding his power, which mere cause and effect in nature cannot produce.

Apprenticeship to a trade or manufacture simply means an initiation into the ideas embodied or current in that trade or manufacture. How difficult this initiation often is; by what severe methods it is effected, and how great is the loss of time and productive power in ensuring it, few can judge who have not made the subject a study. And the question naturally arises to such as have done so, whether the thought involved in even the simplest processes, or even in the use of the least complicated powers and instrumentalities can be so soon seized, so efficiently grasped, and so speedily used or embodied again in raw material; or whether the powers embodied in mechanical contrivances can be so effectually perceived, and so economically used by the boy or youth who has not received any elementary mental training, as by one who has had his mental faculties fairly disciplined by a sound elementary education; whether, in fact, the undisciplined mind can be so easily initiated into a method of trade or a process of manufacture, and whether it can master and prove so productive a power in the use of that method or process as a disciplined mind.

Prima facie we should say it is impossible. And yet the fact meets us in every direction that the great employers of labour are either in mental doubt upon the point, or that they have not considered the subject in all its vast economical bearing. For it is common on the one hand to hear them deprecating the literary education of the wage-class, and depicting a vast array of evils that are sure to spring from it; while it is equally common on the other hand to hear them deprecating the ignorance of the workman, the extravagance of his methods, and the uneconomical results of his labours. Amidst this conflicting thought and feeling a little calm consideration of the employers' own colloquial language will reveal what is the real element they are seeking in their junior, as in their senior hands, although they are not yet alive to the necessity and the economy of developing it. A lad of quick perceptions, of logical thought, of ready manipulation, enters their works, and progresses rapidly with his business. As he is seen handling the raw material upon which he has to operate, and effectively transforming it, the ready exclamation rises to the lips of his employers—"He has made something of that wood, or iron, or brass;" thus acknowledging that his mental power, and accurate touch, and well-guided labour, as

these have changed its form, altered its composition, or burnished its surface, have multiplied its usefulness, enhanced its graces, and increased its value manifold. So it is said by the employers of the boy of little mental discipline, of inaccurate method, of unrefined touch and of ill-regulated labour power—"He has ruined that bronze, or silver, or gold;" as if his deficiency of thought, his inaccurate manipulation, his misguided labour had deprived his material of even the value it possessed in its raw condition.

This colloquial language is only the expression of an observable set of facts. Every year is rendering it more obvious that in all mechanical processes, the immense damage daily wrought by ignorant juvenile labour is incalculable, and so far as it is calculable is scarcely credible, whilst the commercial value of the intellectually disciplined and easily skilled youth is increasing in a more rapid ratio than was ever known before.

Underlying these common colloquialisms and these obvious facts, may be found a theoretical and practical acknowledgment on the part of employers, that when they take an apprentice and agree with him for labour, or for money and labour, as compensation for knowledge to be given, they expect to get something more than physical force, the animal life contained in a given quantity of muscle and bone, as their return. They expect, indeed, in ordinary cases to get these; but in all cases they expect, also, to get something more than these. Sometimes they pay a very high price for what has, as a product, the least conceivable amount of physical force in it—a professional opinion for example—but they never care for physical strength merely, nor for physical strength at all, even in a raw youth, unless he has ability to direct it by some intellectual force. The descending stream has power to drive machinery, and the arm of the idiot has force for some mechanical service, but they equally lack the directing mind. Men are not so unwise as to purchase the force of the idiot's arm because it cannot be brought under skilful control; and they care to purchase the power of the stream only so far as it can be subjected to such control. Human, or any other force, the employer dimly sees, is perfect for manufacturing purposes only so far as the physical or natural power is guided by an intelligent mind.

This intelligence may be developed in our wage-class, as in the vast majority of cases it has hitherto been developed, by the special education received during apprenticeship, to our various trades and manufactures. The mental discipline and power are given and acquired through lessons written, not in primers, or class-books, or treatises, but in methods of business pursued, in materials wrought upon, or processes effected. A fair induction of facts, however, is showing more clearly every day that the disciplined mind, the boy who has received a sound elemenatry education, is far more easily initiated into his work, far sooner grasps the processes he has to accomplish, and far earlier masters his art than the uneducated; in fact, that he far sooner becomes an efficient producing power, and finally makes a vastly superior one to the uneducated.

No man has ever adduced such a mass of facts to substantiate this position as Edwin Chadwick, C.B., to whom belongs the honour and the credit of having first brought the subject of the economy of a sound elementary education of the wage-class under the notice of the public in England and, indirectly, in America, through suggestions given by him to the late lamented Horace Mann. The memorable address delivered by Mr. Chadwick at York, last year, on "Economy and Trade," abounds in evidence of the true economy of a sound elementary education of the wage-class, and ought to be in the hands of every manufacturer. I should not feel justified in retraversing the ground he then so ably went over; but I may, among other evidence of the truth of the position assumed in this paper, refer to a few facts set forth by him in his opening address, as President of the Section of Economic Science and Statistics of the British Association for the Advancement of Science, at Cambridge, in 1862—another paper which our manufacturers would find it very profitable to study attentively and to act upon efficiently.

In this paper the author rushes at once *in medias res*, and adduces irrefragable evidence of the economic value of a sound elementary education where it had previously been deemed quite unnecessary—where it had been supposed that mere physical machines were required—viz., in the navy and the army.

"Naval officers," he says, "attest the fact of the greater efficiency of the educated as compared with the uneducated seamen, chiefly in this: that the intelligent, educated seamen require less expensive superintendence by officers, and that fewer men can be trusted for acting together. Some officers say they would work a ship with a fifth less, others with a fourth less, others with a third less of the more educated as compared with the uneducated seamen. In the army, officers, more especially the superior non-commissioned officers, who come into the closest contact with the privates, give similar testimony. Sir John Burgoyne maintains that the sapper, who is an artisan with some education, is, for the ordinary purposes of war, equal to three common linesmen, and is economical at his additional pay. In the new school at Hythe, as well as at the school for naval gunnery, the success with shooting, is, with classes, almost as the education of those classes. The effect of the general extension of elementary education, even in its present condition, would be to bring up the whole of the ranks to the efficiency of those of them who have the best common elementary education, even such as that is—the non-commissioned officers; and it would be among civilians to bring up the entire body of them to at least the efficiency of the better educated of themselves—the foremen. Let any one," adds Mr. Chadwick, "who has been in a position of civil or military command, and who knows those sound, trustworthy, and most excellent classes, the non-commissioned officers and foremen, estimate what that commercial advance would be—a manufactory of foremen as working-men—a regiment of non-commissioned officers as privates. Amongst the economical elements of sound education, are the saving

of the labour and the expense of command and of superintendence —saving of waste from untrustworthiness, from blundering, from wantonness, and the misdirection of force to the object in view—saving the waste of time in learning new occupations or new processes —a most important quality in our changing conditions of labour markets. A policeman who is an educated man (as also a volunteer), learns the military drill in weeks against the months occupied by the uneducated labourer."

I have myself sought directly from the employers of labour the results of their experience in this regard. The large firm of Minton & Co., write:—"We have taken much interest in the School of Art here from its commencement, and have expended much money to promote its efficiency. The result has been upon the whole good, and might have been much better but for the 'Departmental' interference with the course of instruction, in past years. Many of the people have placed themselves in a better position, morally, socially, and pecuniarily, than would have been the case had there been no School of Art. The educated man or boy is, of course, always preferred, and is of more real value to his employers. Such can carry out the instructions they receive in an intelligent manner, instead of marring their work as the ignorant often do. Art education has decidedly tended to improve the character of our manufactures."

Thomas Ashton, Esq., of Hyde, the head of a firm employing above two thousand hands, informs me, through the Rev. C. Beard, B.A., that "there have been day and Sunday-schools connected with their factories for more than forty years—schools that are at the present time both very large and very efficient;" and that "he is quite confident that the children educated in the schools make, as a rule, the best and the most skilful workmen." He doubts, however, "whether the difference between these and others can be reduced to statistical or arithmetical form;" but he is quite sure that the long experience of his firm, as well as his own observation, corroborate my theorem.

William Hollins, Esq., of Pleasley Mills, a large employer of labour, believes the schools in connection with his factory to be essential to his workmen's position; and that the course of instruction there given, and carried on in the evening classes, may, if diligently sought and fairly appreciated, make a difference of 50 per cent. in favour of the educated as against the uneducated youth.

These testimonies might be indefinitely multiplied. They go to substantiate, not only the position here assumed, but also what I believe to be an encouraging fact, that wherever the spirit of the Factories Education Act is carried out, employers, without exception, bear witness that the hands who have passed through the schools are more efficient producers, better observers of order, less wasteful and less criminal, than the casual uneducated hands to which they have sometimes to resort.

The evidence is not confined to England. The late indefatigable

Horace Mann, of the Massachusetts Board of Education, taking the hint from Mr. Chadwick, issued a circular letter to manufacturers of all kinds, machinists, engineers, railroad contractors, officers in the army, &c., with a view of obtaining from them the results of their experience regarding the productive ability—where natural abilities were equal—between the educated and uneducated; between a man or woman whose mind had been awakened to thought, and supplied with the rudiments of knowledge by a good common school education, and one whose faculties had never been developed or aided in emerging from their original darkness and torpor by such a privilege. The results are everyway noteworthy.

T. K. Mills, Esq., writes:—"The average number of operatives annually employed for the last three years is 1,200. Of this number there are 45 unable to write their names, or about 3¾ per cent.

"The average of women's wages in the departments requiring the most skill is 2½ dollars per week, exclusive of board. The average wages in the lowest departments is 1¼ dollars per week.

"Of the 45 who are unable to write, 29, or about two-thirds, are employed in the lowest department. The difference between the wages earned by the 45 and the average wages of an equal number of the better educated class is about 27 per cent. in favour of the latter. The difference in the wages earned by 29 in the lowest class and the same number in the higher is 66 per cent.

"This statement does not include an importation of 63 persons from Manchester, in England, in 1839. Among these persons there was scarcely one who could read or write; and although a great part of them had been accustomed to work in cotton mills, yet, either from incapacity or idleness, they were unable to earn sufficient to pay for their subsistence, and at the expiration of a few weeks, not more than half a dozen remained in our employment.

"In some of the print works a large proportion of the operatives are foreigners. Those who are employed in the branches that require a considerable degree of skill are as well educated as our people in similar situations. But the common labourers, as a class, are without any education. and their average earnings are about two-thirds of our lowest class, although the prices paid to each are the same for the same amount of work.

"Among the men and boys employed in our machine shops, the want of education is quite rare; indeed, I do not know an instance of a person who is unable to read and write, and many have a good common school education. To this may be attributed the fact that a large proportion of persons who fill the higher and more responsible situations come from this class of workmen.

"From these statements you will be able to form some estimate, in dollars and cents, of the advantages of even a little education to the operative; and there is not the least doubt that the employer is equally benefited. He has the security for his property that intelligence, good morals, and a just appreciation of the regulations of

his establishment always afford. His machinery and mills, which afford a large part of his capital, are in the hands of persons who, by their skill, are enabled to use them to their utmost capacity, and to prevent any unnecessary depreciation."

H. Bartlett, Esq., writes: "I have no hesitation in affirming that I have found the best educated to be the most profitable help; even those females who merely tend machinery give a result somewhat in proportion to the advantages enjoyed in early life for education. Those who have a good common school education giving, as a class, invariably a better production than those brought up in ignorance."

J. Clarke, Esq., says: "We have in our mills about 150 females who have, at some time, been engaged in teaching schools. Many of them teach during the summer months, and work in the mills in the winter. The average wages of these ex-teachers I find to be 17¾ per cent. above the general average of our mills, and about 40 per cent. above the wages of the 26 who cannot write their names. It may be said that they are generally employed in the higher departments, where the pay is better. This is true; but this, again, may be, in most cases, fairly attributed to their better education, which brings us to the same result. I do not consider these results as either extraordinary or surprising, but as a part only of the legitimate and proper fruits of a better education and fuller development of the intellectual and moral powers."

Jonathan Crane, Esq., a large contractor on the railroad, says of a quite different class: "Not less than 3,000 different men, nearly all Irishmen, have been more or less in my employment during the past ten years, and the number that could read and write intelligibly was about one to eight. Independently of their natural endowments, those who could read and write, and had some knowledge of the first principles of arithmetic, have almost invariably manifested a readiness to apprehend what was required of them, and a skill in performing it, and have more readily and frequently devised new modes by which the same amount of work could be better done."

Joseph Whitworth, Esq., of this country, a large employer of labour, and one of the commissioners appointed to attend the Industrial Exposition at New York, arrives at very similar conclusions from his visits to the seats of manufacturing industry in the United States. He affirms: "That considerable effects were produced in the manufactures and productive progress of the United States, which were in general ascribable to the higher intelligence, arising from the wider prevalence of education amongst the working population" through the common schools of the country. He says that details he had collected in a report made by him "show, by numerous examples, that they leave no means untried to effect what they deem it is possible to accomplish, and that they have been signally successful in combining large practical results with great economy in the method by which the results are secured; that they eagerly call in the aid

of machinery in almost every department of industry; that combinations to resist its introduction are there unheard of, and that workmen hail with satisfaction all mechanical improvements, the importance and value of which, as releasing them from unskilled labour, they are enabled to understand and appreciate."

Those common schools have brought this to pass, that the hardest labour of that young Republic is mostly done by cattle or by the forces of nature—wind, water, fire—which the working men have harnessed by their own devices, and set to work in their stead; that in New England most of the remaining work which requires little skill is done by Irishmen, who are getting a certain and a higher culture by it, and that the intelligent wage-class have new power over the elements, larger invention, and a greater amount of human time set free. Their danger arises from the very fact of superior aptitude developed by their education, since this has created a dislike of the old apprenticeship system, by which alone a thorough initiation into all the details of a trade or manufacture seems to be practicable.

The wages of the working classes of England are variously estimated at from two to three and nearly four hundred millions per annum. That merely represents the worth of the productive power of those who earn them, in their present most imperfectly educated state. If the facts and evidence which I have adduced be true and reliable, and if, as I firmly believe, mind is the sole capital of a country, what would be the increase of the productive power of our wage-class, not only in the earlier stage of their initiation into the methods and processes of their trades and manufactures, but also in the last results, could we set aside our miserable sectarian jealousies, eliminate our doctrinal differences from our National, British and denominational schools, relegate them to the home and to the Sunday-school, and, as one great and united people, resolve that the raw mental faculty of our people should receive a common discipline and culture in common schools supported by all parties, as citizens of one commonwealth and economists of our enormous resources, physical, mental and moral. An education that should drill our physical powers into habits of order and cleanliness, which should cultivate our observing faculties with regard to place, number, action, time, order, form, size, colour and the objects of nature, which should initiate us into a knowledge of mechanical forces and the qualities of material commodities, and which should fairly discipline our reasoning powers, so that we might thoroughly utilise and thereby consecrate this present life, would, I verily believe, not only increase very greatly our material resources and pecuniary wealth—say only 10 per cent. and it would give £30,000,000 per annum—but helping us to make the most of the here and now, it would impart a dignity as yet unknown to the temporary scenes of the present, enable us to move harmoniously with God's laws in the sweep of its august extent; to correct its abuses, abolish its evils, multiply its blessings, diffuse its happiness, develop its latent possibilities, and empower us to see that

all our duties, in perfect harmony with all our interests, direct us to mingle our souls' divinest feelings with life's lowliest toil, and out of the blocks of its cheapest opportunities to hew and build the achievements of our highest ideals.

EDUCATION.

President.

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This Department deals with the various questions relating to education whether of the upper, middle, or lower classes of society.

SUMMARY OF PROCEEDINGS.

THE following special questions were discussed in this Department:

1.—What better provision ought to be made for the Education of Girls of the Upper and Middle Classes?

2.—What farther Regulations of the Labour of Children are required to promote their Education?

3.—Does or does not the present mode of Government Payment for Particular Subjects promote the efficiency of Education in Primary Schools?

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"Industrial Training in Schools." By E. T. Craig.

"The Teacher's View of Payment for Results." By John Paton.

"The Failure of our National System of Education to Afford Elementary Education." By W. F. Spray.

"Education for Those who Need it Most." By A. O. Charles.

"On Education Among the Sclavonic Christians of Turkey in Europe." By Miss Muir Mackenzie and Miss Irby.

EDUCATION OF GIRLS.

What better provision ought to be made for the Education of Girls of the Upper and Middle Classes?

The papers on this subject, by the Rev. F. D. Maurice, Miss Dorothea Beale, and Miss Elizabeth Wolstenholme, will be found at pp. 268, 274, 287.

DISCUSSION.

Dr. Hodgson said: It is very easy to speak when one has anything to contradict, but in the papers now read I do not find any points for special notice in the way of remonstrance, objection, or opposition, or even of modification. One reflection arises strongly in my mind in consequence of the difficulty the secretary of the department has had in deciphering some of the MSS. sent him, that one branch of education is extremely neglected, in the case of men if not of women—namely, that of caligraphy: and that in so far as regards the papers we have heard to-day, in that respect the education of women seems to have been better attended to than that of men. But, leaving this, allow me to say that, having last year delivered a lecture on this subject, especially in connection with the examination of girls, then instituted by the University of Cambridge as an experiment; and, having subsequently received several letters from friends in which objections have been taken to the views there expressed, views precisely similar in sense and substance to those which have been maintained in the papers to-day, I must take the liberty of adverting to these objections. One friend who holds a high educational position very politely said, my doctrines were all "bosh," and he proceeded to contest them on grounds which I find it difficult to explain or to do justice to. But it did appear to me that it is for those who object to the equalisation of the instruction of boys and girls to show in what respects the two ought to differ, and in what respects the characters of the two sexes are so widely distinct as to involve the necessity of a separate education for each. You will at once see that it is a question of importance on which side the *onus probandi* lies. Is it for those who maintain that girls should be taught in the same way as boys to prove elaborately that the essential features of human nature are alike in both; or is it the duty of those who desire to make the education different, to show what are the particulars in which the mental constitution of the two differs? I, for one, believe most firmly that the burden of proof rests on the latter; and that it is for those who would draw a wide and deep line of demarcation between the plans for the instruction of the two sexes, to show in what respect the mental characteristics of the two differ so as to involve this practical conclusion. Now let us ask ourselves for a moment what are the subjects, if any, on which boys should, and girls should not, be taught. I have not been able to hear from anyone the suggestion of even a single subject. This question was somewhat discussed at our last meeting at York. One gentleman, the Rev. Canon Trevor, an intelligent man and of considerable power, said, that in his opinion the systems of education should be widely different. That was his general proposition, but, when he came to deal with details, and touch on special subjects, I noticed, with considerable surprise and even amusement, that he mentioned no single subject which he did not frankly admit to be applicable fairly to the education of both. There is one subject which is commonly confined to the instruction of boys—I mean the classics. Now, Canon Trevor was candid enough to say that he advocated no monopoly whatever, even on that subject, and that he did not see why girls should not be taught classics as well as boys. In this opinion I cordially agree with him, provided always that the time and mode of teaching be judicious in the case of the one as well as of the other. But one important exception Canon Trevor did make: he stipulated this only, that i girls are taught classics they should be taught them from books specially

expurgated for their use. Now I think this exception had a very serious import in its obvious bearings on the influence these books exert in the instruction of our boys; and I do not hesitate to say that, even if there were any dispute as to what branches of intellectual education are fit for boys and not for girls, there is no difference of opinion on this greater and much more important point, that so far as their moral education is concerned, there must be equal care to maintain purity and goodness in the case of both. Now, in so far as regards the subjects commonly taught in schools, such as arithmetic, history, geography, mathematics, and the languages, I really do not see, and I have never been shown, any one subject on which you can confidently and wisely pronounce that it is fit for boys and not for girls. If we admit, as regards the choice of subjects, that there is no ground for such difference, the next question arises as to the modes of teaching. Is there one mode of teaching which is practically fit for boys, and another mode of teaching that is practically fit for girls? You observe we do not raise the question whether boys or girls are equal in all respects. The question is, are the essentials of their nature the same, or are they so different as to involve the necessity of a different mode of teaching? Now the *Saturday Review*, a few weeks ago, in speaking of a book of Mr. Ruskin's, recognised, as regards modes, only one difference; a good and a bad, a right and a wrong mode; and it would puzzle any teacher who has been in the habit of teaching the youth of both sexes, to point out one method of instruction fit for boys and unfit for girls, or one method of instruction fit for girls and unfit for boys. I believe the right mode of teaching in the one case is that which is most likely to produce good results in the other. Well, then, if, in the choice of subjects and the methods of teaching, we are right in contending for similarity, there only remains one more question as to the degree or extent to which these subjects should be carried. Now, if I have spoken strongly on the first two questions, I would speak still more strongly on the third. I would draw no line of demarcation, so as to limit the extent of knowledge which either boy or girl may acquire. I would throw open the portals of knowledge freely to both. Let each sex acquire what it can. Circumstances will draw a line of demarcation; so will ability and opportunity. There is no necessity for our drawing any other line, and there is extreme injustice in our doing so. I would apply to those differences between the male and female sex, the very same principle I would apply to the different classes of society, the rich and the poor. I say it is unwise and unjust to fix any arbitrary limit to the education the poor are to get. Their poverty already more than sufficiently limits it; and it is for us rather to try and extend the amount of instruction than to endeavour arbitrarily and intentionally to limit it. So with the female sex, I say, let us throw open the gates through which the temple of knowledge is to be entered, and let us allow fair play to every one who enters it, being satisfied that difference of capacity, difference of means, difference of opportunity, will fully maintain that inequality of knowledge, that difference of mental state which I confess is desirable. Many people seem to be afraid that if we supply a uniform system of instruction to rich and poor, to male and female, there will be no difference of individual character, that we shall all be reduced to one dead level of stagnant uniformity, all copies of one another, none of us original, but all of us reflections, not of each other's excellences, but of each other's mediocrities. Now nature has abundantly provided for this. We have each our mental constitution as it came at first, and that mental constitution, in and after the earliest stage of our progress, is modified by the circumstances that act upon it. Now these circumstances, even if they were absolutely the same, are not the same relatively to the individuals on whom they act; and just as in the same soil and climate we find growing up the oak, the ash, and the beech, so in the same soil of instruction different minds grow up differently, according to their nature. I insist, then, that there should be no limit to the instruction in the female sex any more than in the male; and I hold that it is for those who would maintain the propriety of any such restriction, to show to us clearly the grounds on which they would have it rest.

Dr. Hancock: I think it is scarcely necessary here to say a word in support of the general views expressed in these papers, because I hold this Association has, by receiving them, given the strongest testimony in favour of the perfect equality

of the sexes in all the highest branches of knowledge; and that the Association has judged rightly and wisely better evidence could not be given than that of the papers now read. It appears to me that the reason of the neglect of the education of girls in the upper and middle schools is that we do not carry out with regard to them the principles which prevail in other departments of education. With regard to the poorer classes, wherever the government recognises the necessity of interfering it interferes equally. Wherever they found boys' schools they found girls' schools; and in every parish school founded by the state over the three kingdoms both sexes are taught alike. But when we come to the middle and upper schools it is otherwise. As one of the papers pointed out, at the time of the Reformation we abolished all state endowments for women's education, and doubled those for men, by turning over all the endowments to the purposes of male education. The state does interfere in the higher education; but while it offers the highest bounties to promote the special education of men, it does not give any corresponding advantage to that of women. Now this principle is inconsistent with what it is doing in the matter of common school education. If we hold that universities and grammar-schools are unnecessary, abolish them; but if they are maintained as advantageous to men, we ought to give the same advantages to women. One of the grievances complained of is that a really good education for women is too expensive. The very ground on which grammar-schools are founded, is in order to provide a really good inexpensive education for men, but to women we give no corresponding opportunity. The boarding-school system is one that has been often complained of, but if we had endowed grammar-schools for girls in every moderate sized town, parents would be saved the expense of sending their daughters to boarding-schools, where the charges are often so high as to place the education beyond the reach of many who would enjoy the benefit of grammar-schools in the provincial towns. Now I think this inequality in our educational system produces some very unsatisfactory results. We live in an age when men's opinions are modifying and changing, and it is a serious disadvantage when, in the same family, the women are not educated equally with the men. We labour under the disadvantage of the men having more advanced views than the women. In the biography of Sir Samuel Romilly, nothing is more beautiful than the intimate companionship subsisting between that great man and his wife, in consequence of her being qualified to go into all the subjects in which he took an interest. In the recent general election, perhaps the event which created the most interest was the return of Mr. Mill; and in one of his recent books, the dedication to his wife shows how that great man considered that to a refined, accomplished, educated woman he owed much of his own knowledge and accomplishments.

Mr. Manockjee Cursetjee: I had not the remotest intention when I entered this room of taking part in this day's proceedings, but having heard these very interesting papers read I am tempted to make a few remarks. I have been for the last thirty years endeavouring, to the extent of my humble abilities, to act as a pioneer in the cause of female education in India, and one of the objects I have in attending this meeting is so to add to my stock of general information as to benefit me in my future exertions at home. The two papers read are full of information and sound thought. To show more strongly my approval of these papers, I have to beg the Secretary to solicit for me the permission of the two writers to have these papers translated and published at my own expense in my own country. The question whether women should be educated in a different way from men, or, rather, whether girls should be educated at all, is one which has of late attracted much attention in Bombay. There are some who are opposed to female education altogether, regarding it in the light of an innovation upon the customs of our ancestors. If, then, in your country you have some difficulties to contend with, ours are greater still. With these observations I would accord my sincerest approval of the views propounded in these very eloquent and excellent papers.

Mr. G. W. Hastings: I have had the good fortune to be present on three occasions on which, year after year, this subject has been debated in the department, and it must be a great encouragement to us all, whether in this or any other question of social importance which is controverted, to see year by year how the difficulties that encompass the subject are gradually cleared up, and a great

degree of unanimity arrived at. I think the opinions originally propounded in this department in favour of female education will come to be the opinions not only of the Association but of the public at large. I remember when this question was first debated there were great objections raised. It was said we should turn the girls into boys, and do a great deal of damage to the female character. I am not going to speak on that point, because I think it has been pretty well cleared up, as the subject has been discussed year after year. But I am very desirous of saying a few words as to what I think is the real practical answer to the question that has been propounded for discussion to day. Last spring I had the opportunity of visiting the school of which Miss Beale is the lady principal—the Ladies' College at Cheltenham. I went over it and examined the instruction given there, and I received every possible information from Miss Beale, and I must say I was astonished at the extent and accuracy of the knowledge imparted there, and the admirable manner in which the teaching is conducted. Now one great difficulty that Miss Beale had to contend with was the opposition made by the parents, and more especially the mothers of the girls who were pupils at her school. They used to come day after day saying that the course of education pursued was not what they wanted, "You don't," they said, "teach half enough music; you don't give enough time to dancing; you are giving the girls no accomplishments and a great deal too much learning." Now Miss Beale, backed by the founders of the college, was firmly resolved not to give way on that matter. She held the fundamental principle that the education should be essentially substantial. She felt she had to lay a good foundation, and accomplishments could be added afterwards. She always insisted that the principal part of the time should be given to the really sound branches of knowledge, and that at least one complex and difficult language should be taught, for the purpose of giving the power of accurate expression; and I was glad to hear that, after some years of labour, she had accomplished what she had set her heart on, that the parents came round to her views, that the college is now nearly, if not quite full, and every confidence is shown by her pupils, and those interested in them, in the course of instruction she has laid down. That, no doubt, is a great triumph, but what I could not help thinking at the time was that, while Miss Beale has succeeded, you cannot hope with regard to many girls' schools in England to have a person of the same firmness and enthusiasm of mind, and the same power of overcoming opposition. I believe some good might be done with those who are less fortunately situated than Miss Beale's pupils, by the establishment of official examinations. I hold that you must apply to the education of girls the same motive power that has been applied for generations to boys. You must have an efficient test of the education given; there must be certain objects for which the girl has to work. The universities have supplied that want as to boys, though sometimes in an indifferent manner. By that means you have prevented the education of men running off into all sorts of slipshod absurdities which would not have produced the same power of accurate perception as the study of classics and mathematics. And if you want to improve the education of women you must have some certain fixed test. You must say here is a certain line which we insist on your following. You must come up to a certain standard, and if you do not come up to it you cannot enjoy the credit of being a properly educated person; and however much I approve of the suggestion of having endowments for girls' schools, I think that the principle of establishing an efficient test by public examination lies at the root of all. That was what led me here and elsewhere to support the scheme for extending to girls the local examinations of the universities of Oxford and Cambridge. You all know how, in regard to our public schools for boys, the test of university examination has told, but with regard to the middle-class boys' schools, till lately there has been no efficient examination, and the consequence was that middle-class education had fallen far below what it ought to be; that it had fallen so far, that this Association felt the necessity of approaching government with a memorial praying for an inquiry. The prayer of that memorial was acceded to, and a commission is at this moment inquiring into the condition of middle-class education. Now, I do not hesitate to say, that the chief cause of that unhappy condition of middle-class education, has been the want of any efficient test in the way of the examination of schools. I know that a very considerable impetus has been given to middle-class education by the establishment of the

local examinations of Oxford and Cambridge, which have begun to touch the middle-class schools in precisely the same way as the periodical examinations of the universities have always operated on the public schools. Why not extend these examinations to girls? I am sorry to find Miss Beale, for whose opinion I have great respect, is opposed to that proposal; but I would ask to be allowed to say a few words on the point. The objection, I think, is founded on an entire misapprehension as to a matter of fact. It is said you educate girls differently from the way in which you educate boys; I am not arguing the point, but taking it as a fact. The subjects on which you chiefly educate girls are somewhat different; then it is said, how absurd to propose that girls and boys should be subjected to the same examination! Now, if you will only inquire what the nature of the examination is, you will see there is no force whatever in the objection. There is only a few subjects compulsory on all; and these are such as girls are taught as a matter of course; the English language, arithmetic, &c. Then there are a wide range of subjects in which they may choose to be examined, Latin, French, music, &c. Now if girls go into this examination, they will do what boys now do—they will choose the subjects on which they think they are most likely to distinguish themselves. When a boy has to go through his examination, he considers what subjects he will go in for. If he is up in Latin and Greek, he goes in for them; if in French or German, he goes in for them; and so with the girls. The range of subjects out of which they may choose, comprehends those on which they are now supposed to be educated, and it is only natural that girls will choose those subjects after passing their compulsory portion, and that voluntary examination will be of precisely the same value to them as to the boys. And here I would repeat what I said at York, that it is quite a mistake to suppose that the young women of this country desire only to be educated in the modern languages and for this reason, that a considerable number of those who require a good education, belong to the class of women engaged in family tuition. Many governesses find it necessary to acquire a knowledge of Latin, and what can be more desirable than that when a woman does so, she should obtain a certificate of her competence? It is desirable that she should be able to say—"Here is my first-class certificate, showing that I am well acquainted with Latin and with French, and with the science of music;" and I say, if a woman is able to take a certificate of that sort in her hand, she would at once be placed in a very superior position for pursuing her profession as a governess. And therefore, it is not only on the ground that you ought generally to elevate female education, and that you can do that by applying the same kind of test that you do in the case of male education, but also on the ground that you ought to give to women who are to earn their living the means of showing their competency in their profession, that I advocate, as I have always done, the necessity of a public examination for girls. I am glad to say that, in a very considerable degree through the exertions of this Association, the University of Cambridge has resolved to extend its local examinations to girls. We held a sort of tentative examination in London, last Christmas twelvemonth, with the permission of the Syndicate of the University. The Syndicate doubted the possibility of doing it, but we said, "Let us try it." And very generously the University said, "You shall try it; we won't give our authority for it, but if you will hold an examination, you shall have the papers of our examiners, and the examination shall be conducted in every respect as for boys, except that we shall not give any certificate." Well, that experiment succeeded perfectly, for though comparatively little known, upwards of eighty girls presented themselves, and many of them passed the requirements of the examiners in the most satisfactory manner. I do hope that not only the University of Cambridge, but also that of Oxford, will think fit to extend their examinations in that direction, and that the University of London will adopt something like the same policy; and I am sure that in no respect can the universities of this country do more real good in promoting the cause of education, than by advancing the culture of those who have really the whole education of the nation in their hands; for every man is in early life indebted to woman for the instruction he gets, and the bent which his mind receives.

Mr. Joseph Payne: My experience as a teacher has been very much like that of Dr. Hodgson, and my opinions are precisely the same. We all know very well that though the subject is trite, and though the things said are like those said a

thousand times before, yet this trite subject has always a new interest in it, and it is very important that we should, if possible, go from facts to principles. Where we have to deal with a common mind, both the subjects taught and the mode of teaching must be in a great degree common. We are not teaching a different, but the same kind of human being. The mind has properly no sex. It is the mind of the human being, and consequently there must be of necessity a similarity in the instruction of both sexes. It has been said that the female mind is not by nature so susceptible of attention to what is called truth; I rather think, as regards the point of conscience, the balance must be thrown the other way, and that there is really a more conscientious regard to truth among women than men. But, taking the word truth merely as accuracy, I have thought there is something in woman that glances now and again over the surface of things. If that be so, a woman is more likely to succeed with the sound rather than the sense. The merely vocal part of language will strike her more deeply, and she will catch up the pronunciation more rapidly and more accurately, and more readily acquire the idioms and peculiarities of it. She will seize upon all those things which lie on the surface, rather than those which belong to the positive genius and structure of the language. If that be the case, it may be a question for all ladies engaged in teaching to consider whether they do not pay a somewhat unwise attention to the things they do easily. The thing we do easily does not teach us; the benefit we get is in doing what is not easy, and in doing that for which we have no special aptitude. Our attention, then, ought to be given to those things which are difficult for us; and therefore it would seem that though the general curriculum ought to be the same, in order to teach the common mind, yet it ought to be supplemented by those studies which will best call forth those faculties which are not so ready. If there be, for example, no great aptitude for accuracy and reasoning, keeping the attention profoundly fixed on those subjects which require accuracy, and especially those requisite in the education of a woman, will tend to give that accuracy. Now the practical inference I draw from this is, that Miss Beale is probably right in not allowing so much time to be given to music. The number of hours spent in the study of music does not produce a commensurate result, and I think that when we perceive, in particular instances, that there is no aptitude in the pupil for giving that pleasure by music which it is calculated to afford, it would be wise to employ the hours on those subjects in which success was more likely to be attained. Mediocrity in art is, strictly speaking, worth nothing; a bad poet is no poet, and a bad musician ought not to exist. We want high things in art, and only high things; and if we have no probability in getting this result from thousands of hours given to one subject or another, it would be wise to give up the subject in this particular case.

LABOUR AND EDUCATION.

"*What further regulations of the Labour of Children are required to promote their Education?*"

In addition to the papers by Mr. Tremenhere and Mr. Wilson printed at pp. 291, 302.

Mr. E. T. Craig read a paper advocating industrial training for the children of the poor by alternating school lessons with occupation in the garden, the field, and the workshop, on the plan introduced and carried out by M. de Fellenberg.

DISCUSSION.

Mr. Chadwick: I was very much pleased with the able paper of Mr. Wilson, but it is only an exemplification of what the French philosopher said, that it was one of the most difficult things to get people to see what they are seeing every day. With respect to the defence that Sheffield is exceptional in respect of its labour, I beg to say that there is this primary condition, which we enunciated

after a great deal of inquiry in 1833-34, when I had the honour to be one of the central board of factory commissioners, that wherever young children were worked for the same stages as adults, it was mischievous and wasteful. It is just as if a farmer were to work a young colt through all the same stages as he works his horses. You never can get a man to work as he might do when you begin by over-working him as a child. I remember some thirty years ago the opposition we met from what are called model establishments, and it is always model establishments which stand in the way of the extension of general regulations, and which offer the greatest resistance to all sound improvement. People in Lancashire who had their own schools and were very attentive to their work-people made great opposition, and I have often wished we had no such things as model manufactories, model schools, or model parishes. My friend Mr. Senior wrote an article on abstract economical grounds in support of the principle of factory legislation and against the principle of Mr. Wilson, on the ground that it would reduce the amount of labour and put us to a disadvantage in foreign competition. The best way of competing with everybody is to have a body of strength, and unless you husband your strength you go to the wall in the competition with foreign countries, where from the climate or other circumstances they may be in better health. Manchester, with its restricted labour of ten hours, fears no competition in the world. Many of the manufacturers that were opposed to restriction, and opposed on the same grounds now taken up by Mr. Wilson and those he represents, are now the leading supporters of the limitation of the labour of young children. And not only is it a principle applicable to manufactories; Mr. Paget, late M.P. for South Notts, and others, have warmly advocated the extension of the same principle to agricultural districts. Mr. Tuffnell in his paper speaks of the difficulty of obtaining the extension of the Act. We shall never get on if we cannot extend the system more rapidly than by Acts passed at intervals of five years from each other. I think our experience is quite sufficient to warrant subordinate legislation by order in council extending from trade to trade, which will be far better than any legislation in the House of Commons, being more tentative and capable of revocation if it does not answer. With respect to the notion that it will tend to reduce wages, that notion once prevailed in Lancashire, but the result was that it augmented wages. I hold this to be a primary principle and a universal principle, applicable to Sheffield as to other places, that the child is not to be worked the same stages as the adult. I maintain that the children who work at Rodgers' or any other of the best establishments, are working in detrimental excess of their strength, if they are working the same stages as the adult, for if the stage be sufficient for the adult it is certainly in excess for the child. There is one thing that seems to be lost sight of in this matter, namely, the compulsory education clause, the requirement of a certificate that the child has been three hours a day of the week preceding in some school or other. There is in that provision a security against the child working the same stages as the adult. It was once put to me how were we to prevent a child which had worked six hours a day in one factory under the name of John Jones going to another for other six hours and working under the name of John Smith? My reply was that if you require a certificate that the child has been for three hours a day in some school that puts out of the question the possibility of his taking two employments. There are no doubt some difficulties in dealing with small manufactories where they have only two or three children employed; but my answer is that it is not the inspection of the manufactories that is wanted, but looking after the children, seeing whether they are in the schools so many hours a day, whether they be with their father or any other employer. That provision secures not only that the children shall not be overworked, that they shall not be worked the same stages as the adult, but that they shall not be excluded from the benefits of education. Indeed that is the great and only security in the manufacturing districts.

Mr. Nash Stephenson: I would beg to ask what would you do in the case of the children not being at school?

Mr. Chadwick: Exact a penalty for employing children at any given work without having a certificate that they have been three hours a day at school. A resolution has been put into my hands by Professor Hancock, which I beg

to submit. It is in these terms:—"That in the opinion of this department the most practicable way of carrying out the recommendations of the Children's Employment Commission would be to enable the Privy Council to extend the factory legislation to the different trades where women and young persons under eighteen are employed, with such appropriate regulations as may be suited to each trade.

Rev. Mr. SANDFORD, Inspector of Schools: I have had some experience in this question, both in the cotton and woollen districts, and also for twelve years in the Staffordshire Potteries and in South Staffordshire, where we also hope to see the Act applied. I wish to address myself to meeting those objections which have been raised by Mr. Wilson to the application of the Act to the trades carried on in Sheffield. I have been at many meetings and discussions where this question of the protection of children has been discussed, and I have always found that the representatives of each trade and manufacture have found out some special reason why that trade should be exempt from the operation of the Act. So it is here; there are particular reasons assigned why the Act should not be applied to Sheffield. It is said there is not here to be found that number of young children employed as are to be found in Bradford and Halifax. In one respect that is rather a recommendation for the application of the Act, because its application would be all the less troublesome to the manufacturer. On the other hand, if there are so many children employed, they want the protection of the Act as much as others do. I cannot help thinking that one or two facts in the Report of the Commission have been overlooked by those who object to the application of the Act to the hardware trades. Now there may not be any very large number of children employed in these trades, but there are such children, and they require protection. If there are few here to be reached by an Act of this sort, all I can say is that in my district of South Staffordshire there are a great many, and if you do not want the Act for the sake of Sheffield children, I hope the manufacturers here will not oppose the Act, seeing it is so much wanted for the sake of the South Staffordshire children. But I cannot help thinking there may be great need for it even here, and especially when I look at the ignorance of many of the children found in Sheffield. Here is one case: a little boy, eight years of age, cannot read, and does not know who Jesus Christ was. One little boy thought Christ was different from other people, because He was religious and other people are not. I have been twelve years an inspector of schools in the Midland districts, and especially in Staffordshire, and I do not know any district that suffers more than it from the premature employment of children. I find in the evening schools hard-working lads, of whom 40 per cent. cannot read the simplest narratives; and among the colliers the case is even worse. I find very few who know who the Queen of England is; some have heard of the Princess Alexandra, for these poor colliery boys, though they do not go to school, always manage to find a connection with some school on *fête* days, and at the marriage of the Princess Alexandra they heard of her, but she was the only great personage they ever heard anything of. With regard to the Potteries, I went with Lord Lichfield to see the workmen there, and we were much gratified by what we saw. The Act does not apply to children of 13 until next year, but I know of one district, Longton, where education was lately at a very low ebb, and hardly one school under inspection; and where, on our visit, we found one school with 200 children, not one of whom, a year before, had been at school, and these were all half-time working children; and we were convinced that when the Act came fully into operation, its effects would be still more remarkable. I did not find that the manufacturers there were very strong in their opposition. The smaller manufacturers were sometimes very troublesome, but the larger manufacturers were either indifferent or favourable; and I think the names of Minton and Ridgeway should always be mentioned with honour in connection with this subject, because they were most anxious for the extension of the Act to their own manufactories; and I cannot help hoping that their example will be followed by others who are still standing neutral in this matter, when they come to see the beneficial operation of the Act. Many who were formerly objectors to the Act have greatly modified their objections, and will yet I hope see that their interest lies in giving effect to the Act.

Professor HANCOCK: I beg to second the resolution read by Mr. Chadwick. I think it is evident that we require a considerable amount of regulation in this question as to matters of detail. The House of Commons is undoubtedly the proper place to settle great questions of principle, but it is much better to leave details to be regulated by some subordinate department, by which they may be modified from time to time. I attended with great interest to Mr. Wilson's paper, for I was anxious to hear what could be said against the extension of the Act to Sheffield, and I think we must all admire the candour and ability he displayed. But at the same time that very candour and fairness convinced me that he had failed to prove his case. In the first place, he told us that he took the most favourable cases. Now everybody who knows anything of social science knows that we must not take favourable cases but the reverse. The object of legislation is not to provide for the case of good trades and good masters, but for bad ones. Therefore when he admitted, to begin with, that he took favourable cases, I think his whole argument failed. But even when we got an account of the most favourable cases, we did not get the *beau ideal* picture we expected, but, on the contrary, we were told that in one large establishment in Sheffield there were no fewer than 86 boys employed under 13 years of age. He made another admission, namely, that when a little pressure came, they just kept the boys in. I think Mr. Wilson's paper admitted the whole case, and showed that legislation was absolutely necessary. He said he objected to the half-time system, and he said that, under the half-time system, they should have the school near the factory in a smoky place, but he never thought of the hardship of being at work all day in that smoky place. Another thing that surprised me was, that a gentleman so intelligent as Mr. Wilson should have referred without any objection to the system of apprenticeship at £20 fees. Adam Smith long ago denounced the system of high fees as one not intended for the benefit of the boys, but of the masters and workmen, and I am surprised that such an antiquated institution should exist in Sheffield as these long apprenticeships and high fees. Now in this Association, and in all this legislation, what every one stands up for is the interests of society, not the interests of the individual, and I say Mr. Wilson's statement showed me that these boys were not safe in the hands of teachers who looked only to themselves. Another thing that surprised me was that while Mr. Wilson protested against State interference, he advocated trade interference. Now compulsory legislation in this matter has been in operation in this country for twenty years. The commissioners suggested the practical difficulty of interfering in small cases. Now it appears to me that the solution of this question is a matter of science; the practical way will follow afterwards. It appears to me, we should say—"If you employ that child for your benefit, we insist he shall be educated." That implies some means of seeing that the children are educated. I think that this is quite practicable. We should then have a complete means of knowing whether children are overworked or not; for if they did not come to the school we should know that they were overworked. You would then have the whole clergy, schoolmasters, and inspectors enlisted in carrying out the principle that the first duty of a parent towards his child is to properly and adequately educate him; and that each parent should be bound to educate his child up to the age of thirteen or fourteen. I would, in conclusion, make another observation; namely, that Mr. Wilson made one very wise and just remark, that a great deal of the ignorance of the children arises from the apathy of their parents, from their not knowing the value of education. It always offends me when I hear the principles of political economy brought up against state interference in education. We all know that in this era of progressive knowledge there are very few parents who are competent judges of what is the best education for their children. Again, the principle of supply and demand is referred to; a principle which applies very well to the markets for bread and butter, meat and clothes, but I deny that, in nine cases out of ten, the parents are the best judges of what is necessary for the education of their children, and hence it is necessary that the state should not leave the matter entirely in the hands of the parents, and the interference of the state in that way is no violation of the principle that the state ought not to interfere in matters of trade.

The Rev. Mr. CLAY: I have often talked over this question with the operatives themselves, and they always seemed to think the half-time system interfered more with the success of their trade than was necessary. I have generally asked them, "Suppose you do away with the half-time system and allow a boy or girl, instead of producing a certificate that they have been so long at school, to produce a certificate of Her Majesty's Inspector that they have attained a certain standard in education, whether that would not answer the purpose?" The great difficulty we have to contend with is, the short-sighted self-interested views of the parents, who seek to get as much out of their children as they can. Now what we have to do is, to make it the interest of the parent to educate the child; and if you establish this by a law that no child under 13 or 14 can be employed by a manufacturer, under certain penalties, except he produce a certificate from one of Her Majesty's Inspectors, there will be an immediate demand for children who have that certificate.

Mr. WORTHINGTON: I think Mr. Wilson told us there was great difficulty in assembling boys under 13 in a school attached to the works in Sheffield. Now, if I am not mistaken, under the Factory Act, it is quite open to employers to send them to any school and get a certificate of attendance, and have them examined by the inspector. I see no difficulty in recommending that plan to the Sheffield trades. If parents have their children working in the shops around them, whether in village or town, it appears to me that it would be extremely easy to make them attend the local or village schools, and procure there a certificate of attendance, and also pass the inspector's examination. I know of the Act having been applied in that way to one of the factories in the town in which I reside. Mr. Paget tells us, that those who go to school one day and work the other, are more intelligent in the school, and more efficient in their work, than those who work half-time each day. It may therefore, possibly turn out that it would not take more time to teach two boys working on alternate days than two working every day, for the increased intelligence gained at the school would enable them to learn their trade all the faster.

Mr. CHADWICK: With respect to the point about alternate days of schooling and labour, I think it rather an important educational point to state this, that experience shows that the value of the labour is enhanced by its being taken part of the same day as the schooling. Mr. Paget distinctly states the opposite as his experience, and I know some friends were very much in favour of alternate days, from the difficulty of taking up the work otherwise, but I think experience has shown that the work is improved by taking half-time work and half-time school on the same day. Manufacturers and others who have given their attention to the subject tell us, that there is nothing so wasteful and improvident as 13 or 14 hours' labour, and that in proportion as you shorten the hours and improve the methods, you increase the efficiency of the labour. You get more labour from the children by short hours, taking the whole year through, than you do by working them for long hours.

Mr. MACDONALD, President of the Miners' Association: The Mines Inspection and Regulation Act permits boys to go into the mines at ten, provided they can read and write, for which they must get the certificate of a competent schoolmaster. This regulation, however, on the part of the mining population, we feel is utterly disregarded and entirely inoperative. We appeal to the inspectors, who report almost always on that point, to prove our assertions; and we further declare our utter want of confidence in the system of individualism recommended by Mr. Wilson. We have seen in the colliery districts schools established by employers with the very best intentions. We have seen also that a number of the miners are very anxious for an improved system of education; but while the Legislature has made a step in that direction, we find it totally inadequate; and for the last twelve years our Association has been, and still is, working in this matter. A committee met in the close of last session of Parliament urging the necessity of a reduction of the hours of labour of the young in the mines to eight hours in the twenty-four; and I believe our mining population will never become socially worthy, physically strong, or intellectually great, till such a regulation is adopted. I may mention that the committee had only one day's sitting, and the witnesses we produced from the county of Northumberland

showed—and we shall be able to prove that the same state of things exists all over the mining districts—that the boys were called to their work at three o'clock in the morning, or four at the latest, that a caller went round in the interest of the employer, and boys of ten left their homes at a quarter or half-past four, and returned at five in the evening at the earliest, but often as late as six or seven—a boy of ten years of age. Now we ask, even supposing these boys can read and write, can they ever in these circumstances become good members of society? If we depend on individualism, as Mr. Wilson would have us depend, the day will never come when these children will be educated. So much is this felt by the miners themselves that out of a body of 200,000 miners we have received 70,000 or 80,000 signatures calling on government to make it obligatory that no child shall work more than eight hours out of the 24, and that he shall go to school for a certain number of hours until he is 14 years of age. We will be able to show in the forthcoming inquiry that the average hours of the young in the mines is from 12 to 16 or 17 hours a day; and this state of things existing, we are convinced that the condition of the mining population never will and never can be improved.

Professor FAWCETT: I beg to ask, is the feeling very strong among the workmen?

Mr. MACDONALD: The agitation was commenced so early as 1848. We began by claiming education, and have continued from one year to another; in 1855 having 30,000 signatures to our petition, 1860, 72,000, and last year as many as 84,000. We think these facts show that the mining population are becoming impressed with the necessity of education.

Professor FAWCETT: I never listened to any statement in my life with more interest. It is most satisfactory that such a state of things should exist among the people themselves, but it seems to me astonishing that this admirable request should have been made for so many years without receiving more attention than it has yet done from the House of Commons. I am curious to know, because it may guide me when I take my seat next year, what has been the fate of these petitions, and why they have met with no more attention. I think the request does infinite credit to the miners, and it surprises me that that request should have required to be repeated year after year, and that at the end of seventeen years this matter should have remained unsettled.

Mr. MACDONALD: In 1858 we presented a petition with 45,000 signatures, and in 1859 with 50,000. That led the government to move in the matter, and here I must pay a tribute to the late Sir George Cornewall Lewis, who took up the matter warmly, and carried a bill in the Lower House; but, unfortunately for us when the bill came up to the House of Lords the employers' interest prevailed, and it was so thoroughly remodelled, through the opposition of Lord Granville and others, that we were left with a measure which was a shadow without a substance. We resumed our petitions from 1861 to 1864, and we at length prevailed on Sir George Grey to give us a select committee to inquire into the alleged grievance. Unfortunately, as you are all aware, the session was of such a nature that no committee could go on, and we had only one day's sitting. But we are promised that it shall be reappointed in the coming session, when I hope the gentlemen who hear me will give us every assistance, and that we shall get such a committee as to enable us to bring legislation to bear on the state of things in the mining districts.

Professor FAWCETT: I thank you for the information given us, and I, for one, will not forget it.

Dr. HALL: I regret that I did not hear Mr. Wilson's paper, but I know his views pretty well, and, after he has told us that 86 boys under 13 are employed in one establishment in Sheffield, I have only to express my hope and prayer that the Factory Act will be applied to the trades of Sheffield, especially the grinding trades. Taking up the question in a medical point of view, I say of my own knowledge that the boys at the grinding wheels of Sheffield are exposed to physical disadvantages that make them decrepit in body and enfeebled in mind. It is no use talking of the apathy of the parents; they are ignorant themselves, and they are bringing up their children in exactly the same condition in which they themselves have lived. When I find, as I have found, boys of seven, ten, and

twelve engaged at the grinding wheels, I think that if ever there was a town in which the children required the protection of the Factory Act, it is the town of Sheffield.

Mr. Wilson in reply: I am by no means satisfied, after hearing Mr. Chadwick, Professor Hancock, and other gentlemen, of the practicability of the half-time system. Then, as to teaching apprentices, I pointed out that alongside the man there is work to be done which is really boy's work, and which the boy can do quite as efficiently as the best workman. The grinder wants a lad to work with him, and he will not want another till the lad is 18 or 19. For the first six months the lad is positively a loss to him, and he does not earn so much with him as he would without him, having to teach him. Now the periods of the boy's labour are very intermittent; it is quite uncertain what part of the day he may be wanted, and no skilled workman would ever think of taking another lad on half-time, only to turn him adrift when the first boy got beyond 13. Whatever may be said as to the antiquated fashion of apprenticeship, I believe the day is far distant when it will be abolished in Sheffield, and for this reason, that simple as the trade may appear, there are few that require more really skilled workmen. The result of my experience is that, as a rule, lads who begin at 11 or 12 make the best workmen; but, at the same time, I think they should be educated before that time. I may describe the trade, not so much as one of intellectual skill, but training to a delicate touch, because a man grinding a penknife cannot see it when it is on the stone. To acquire this educated touch the boy must begin young, and those who begin young acquire more refinement of touch than those who come into the trade later. With regard to the 86 children under 13, I would remark that is a small proportion out of about 3,000 persons employed; and among these 86 the probability is that there are not three under 12. It is not a work in which there is excessive overtime. Then as to night work, it will become a very serious consideration if masters must erect additional mills so as to have the whole work done by day, and more especially now that the French and Belgian masters are coming in to compete with us. Mr. Chadwick speaks of the dirty appearance of the boys, and says, if the boys are not cared for it is time the State should interfere; but I say the boys are cared for, and not so badly treated by their masters as he supposed. As to the hours of work, they are not excessive in the grinding branches, but in the case of the small master cutlers there is great difficulty in preventing overwork. It requires little capital to set up as a master cutler, and the small master is not in the habit of paying wages till he has sold his goods to the factory on the Saturday night. Hence the necessity of the men often working very hard on the Fridays to get the job completed, that the master may be able to get them their wages on Saturday. And as the little master has to go out on Mondays and Tuesdays to seek orders at the factories, and as he has no capital to purchase a stock of materials, his workmen cannot set to work in the beginning of the week, having nothing to work at. There is, therefore, great advantage in working at a well-regulated manufactory, not so much on account of any difference in the wages, but in the regularity of the work. I believe, therefore, the great necessity for interference lies not with those who work in the factories, but with those who work at home; and I am sure Professor Fawcett will agree with me in saying there is great difficulty in carrying out any government control there. You may regulate the work of the grinder by stopping the wheels at given hours, but where one may work in his own shop, you cannot institute a vexatious system of espionage. All the factory inspectors of the country cannot tell the hours which a man may work.

The resolution read by Mr. Chadwick was then put and carried unanimously.

THE REVISED CODE.

"Does or does not the present Mode of Government Payment for Particular Subjects promote the Efficiency of Education in Primary Schools?"

In addition to the paper on this subject by the Rev. G. H. Fagan to be found at p. 308.

Mr. JOHN PATON read a paper, entitled "The Teacher's view of Payment for Results," in which he expressed his approbation of the plan which had been pursued by the Committee of Council on Education, previous to the introduction of the revised code. He did not deny the soundness of the principle of payment for results. The new system secured definiteness of aim, discouraged pretentious and showy teaching, and put a strong pressure upon the teacher to look to the progress of each scholar. But there was a danger in its making education too mechanical. There was no inducement to the teacher to carry education beyond the paying point. It caused managers and teachers to regard simply the pecuniary grants, and all that did not tend to produce an increased result as to these was hardly taken into account. Mr. Paton also pointed out that the revised code had had an injurious effect on the system of pupil teachers, which he considered the most valuable part of the Privy Council scheme.

Mr. SPRAY also read a paper condemning the present system of education.

DISCUSSION.

Mr. J. G. FITCH: The writer of the last paper has a school of about 100 pupils, and is able to speak from what takes place within his own sphere, but when he has so great and important a question to deal with as the effect of the revised code on the intelligence and efficiency of the primary schools for the poor, his inductions should be spread over a much larger area. As one of Her Majesty's Inspectors I have had, during the last official year, to examine 24,000 children, and of these I can assert that the percentage who can read moderately well, write a fair hand, and do a simple sum of arithmetic with intelligence and accuracy, is very respectable. Even educationalists, who are most opposed to the revised code, are prepared to admit that it has had the effect of raising the standard in our schools of the elementary subjects of reading, writing, and arithmetic. In the preceding paper, by Mr. Paton, founded, I believe, on accurate knowledge of the subject, the writer has stated that the effect of the revised code has been to cause that the higher subjects of instruction should be neglected. I am sorry to say that I have no doubt about the fact, for I see evidence of it every day. The writer asserts that managers and teachers are, to a great extent, neglecting all branches of education, except such as bear a money value under the code. The censure for such a state of things attaches to the teachers and managers rather than the government. No doubt the latter say that they will pay for certain indispensable things which admit of easy measures, but it is rather too much to infer that they are indifferent to other and higher branches of education for which, it is true, they make no pecuniary grant. I can say for myself, and many of my colleagues, that, after having fulfilled the examination under the revised code, we examine, so far as the pressure of official duty will allow, in the other and higher branches of instruction.

Mr. GILLESPIE, after quoting at some length from a letter of Sir J. K. Shuttleworth, on the subject of the capitation grants, referred to the discouragement given to religious instruction under the revised code, and was of opinion that the schoolmaster, not being paid for it, would cease to direct attention to it, and would limit his attention and teaching to reading, writing, and arithmetic, for which he was paid. He, therefore, felt that the present mode of government payment did not promote the efficiency of education in the primary schools.

The Rev. J. L. SHORT gave the history of a leading school in a town in the west of England, with which he was formerly connected, in which the Scriptures were read morning and evening, and all those moral principles which should guide us as citizens were instilled; dogmatic teaching being left to the different pastors. One-third of the cost was raised by school pence, one-third by voluntary subscriptions, and one-third was gained by government grants. Such was the success of the school, and of the education therein given, that the neighbourhood was lifted from a low, sensual, and degraded condition to one that, at any rate, was full of hope and encouragement. Moreover, the beneficial influence of the school was extending year by year. The system was carried out with eminent and increasing success till the time of the fatal introduction of the revised code. The tendency of the code was to limit, and that very materially, the breadth of the education given, and to concentrate the attention of all concerned to that which would benefit the income of the school. The inspectors would do what they could to counteract this evil, but after getting through the technical examination required by the code, they have no time to spare for anything else.

The Rev. J. H. JAMES was prepared to endorse every statement which had fallen from Mr. Short, and said that the subject was anxiously considered at the Wesleyan conference, and the unanimous opinion was, that if the efficiency of the education in our schools was to be maintained, it must be maintained in spite of the revised code. Under the old code there was the greatest encouragement to give the soundest education and the broadest culture. The reverse is the case now; what is done is done in spite of Mr. Lowe and his department.

Dr. HODGSON: I cordially concur both with Mr. Short and Mr. Fitch that, so long as the revised code is conducted by inspectors of intelligence, experience, and liberal views, so long will everything be done that can counteract the mischievous effects of the revised code; but, having been lately down in Oxfordshire, I visited a village school, which I fear may be taken as a fair specimen of its class, and I found that in that school was going on that very process of deterioration and degradation of which we have heard to-day. I found that grammar had been given up, and geography had been given up; in fact, the whole time and thoughts of the teacher are concentrated on what would pay. Mr. Fitch remarks that government does not forbid these subjects, but I ask what is the principle on which government should proceed in awarding endowments in one direction rather than the other? I say that the principle should be the reverse of that which is adopted. We all admit that the subjects which are put aside by the revised code, are really the essentials, the bones and marrow, the sinews and life-blood of education; and that reading, writing, and arithmetic, are merely the instruments of education. As, then, the omitted subjects are the most important, government ought, by every possible means, to stimulate teachers and committees to work up these subjects, which, if left to themselves, are in danger of being neglected. In a pamphlet published by a gentleman, who represented Mr. Lowe at a meeting of teachers held at Birmingham about four years ago, it is expressly noted that the object of the revised code was to limit the amount of the education of the poor. I feel that this is an ignoble sentiment, and one which ought to be repudiated in every society. The only way to elevate the rich is to elevate the poor, and there can be no degradation of the poor, without a corresponding degradation of the rich.

Mr. DRONFIELD appeared as a working man, and as the representative of working men, and expressed his regret at the cheese-paring economy of the government in the reduction of the salaries of the teachers, and in the decrease of the number of pupil teachers. He could personally testify to the great amount of good which had been effected in that district from the establishment of large

and efficient schools, and no doubt what was going on there was a sample of what has been done throughout the country. Without state aid, education must be neglected. Working men did not limit their attention to questions of wages, and the regulation of hours of labour, but took a deep interest in the subject of education, as he could show by extracts from Trades' Union Reports, knowing full well that in improving their own condition, they are promoting the well being of the community at large. The trades were strongly in favour of the introduction of the compulsory clauses of the Factory Acts in Sheffield.

The Rev. W. WILKINSON: I take a deep interest in the subject under discussion, as a manager of one of the large schools in this town, and as having had some experience in the working of the revised code, which I think is working better than I feared it would; neither managers nor teachers object to payment for results, for they admit the principle to be fair. What we complain of is this, what we conceive to be the most important results do not receive their proper measure of attention under the revised code. If certain defects in the code could be remedied, a great point would be gained, but, if this could not be, the only thing to be done would be to work the revised code to the best of our ability. The Office seem disposed, as I can bear witness, to take advantage of every opportunity of cutting down, and do not seem disposed to take advantage of every opportunity of enlarging the grant. At all times the Office should put the most liberal, and not the most narrow construction on cases brought before them. Managers should candidly, fairly, honestly, and earnestly work out the revised code, and take care that the higher subjects are not overlooked, and it would be a reproach to ministers of religion if the highest of all subjects were overlooked because it was not a paying subject. I do not believe that such is the case, but I do believe that less attention may be paid to geography and grammar, and such subjects, with respect to which differences of opinion do exist as to the extent to which they should be pushed. In schools not connected with the Church of England, it is no part of the duty of H. M. Inspectors to examine on religious subjects; but in schools of the Church of England I know the very first subject H. M. Inspector takes up in the schools is the subject of religious instruction, and I do think that he endeavours to ascertain that that subject is fairly, honestly, and intelligently taught. Something has been said about compulsory education; but if education is to be compulsory, I ask, when are the schools to be founded; who is to provide them? If the whole burden of raising funds and working schools is to be thrown on the clergy, the temptation to them will be to say—"We withdraw, and confine ourselves to our spiritual work; we leave the management of the schools to others, only taking care that the word of God is carefully taught."

Mr. PATON replied: I should be sorry if it went forth that I know of any manager who is personally chargeable with the neglect of the higher subjects. I merely said that there was a tendency in that direction, and I supported my assertion by an extract from the Minutes of Council on Education. With respect to the state aid of one-third of the cost of education being sufficient in a manufacturing town, I would state that my paper did not refer to Sheffield only, but to the case of rural schools, where I believe the government subsidy to be inadequate. When this subject was first broached, 15*s.* a head was fixed as the sum which should be allowed per scholar by the State, and I think that the grant should not be less than that amount, as it would be by no means in excess of what is needed.

NEGLECTED CHILDREN.

In addition to the papers by Miss Carpenter, Mr. Cartwright, and Mr. Brotherton, printed at pp. 313, 325, 331,

Mr. A. O. CHARLES read a paper on "Education for those who need it most," contending for the right of ragged schools to a participation in the Government grant for education on such conditions

as it is in their power to comply with. The managers of these schools are content to be paid for results in accordance with the principles of the revised code; but they must be allowed to accomplish these results with such means as are applicable to the particular class of children they have to deal with. There is a large class for whom no other education is provided, and notwithstanding that there are 160 ragged schools in London, recent inquiries have proved that there are still about 25,000 children between the ages of three and twelve who are not receiving any education whatever, so that after all that is being done by these schools in the metropolis in supplementing those aided by Government, farther provision is urgently needed. The paper then proceeded to refute the arguments adduced by the opponents of Government aid to such schools, giving extracts from the reports of inspectors and other officials who, from personal observation, testified to the value of ragged and industrial schools in producing a diminution of vagrancy and working a vast amount of good for the community.

DISCUSSION.

The PRESIDENT thought that when the inspectors had, in every form of compliment, spoken of the good the ragged schools were doing, surely some scheme might be devised by which efforts acknowledged to be useful might be maintained and extended through Government assistance.

The Rev. W. L. CLAY, while agreeing with Miss Carpenter as to the urgent need for more Government help in the case of destitute children, was afraid that some of the measures she proposed would have a tendency to foster parental neglect, and in so far to perpetuate the evil it was sought to remove.

Professor HANCOCK thought that the first duty of society was to save the children, if possible, and that the undeserved help occasionally given to vicious parents was a very slight evil in comparison with the good done.

The Rev. S. A. STEINTHAL moved: "That this section, being convinced of the existence of a large and growing number of children who are unable, from very varied reasons, to enter any of the schools at present existing, and are therefore constantly increasing the number of the pauper and criminal class of the community, earnestly requests the Council of this Association to press on the Government the need of a full inquiry being made into the extent of this class and their circumstances, and also the amount of pecuniary aid required to give efficiency to such schools as are intended to meet the wants of those for whom no provision is at present made by any of the educational institutions receiving Government help, and of prompt action being taken in accordance with the facts ascertained by the inquiry."

Mr. HAY HILL, from his experience of the east of London, thought that even the ragged schools did not reach the lowest stratum. He would like to see small "street schools," established in the poorest neighbourhoods, as the nuclei for missionary agency. In the large ragged schools, he believed the personal influence of the teacher was often unable to counteract contamination.

Dr. HODGSON: If we are to have Government grants, in favour of what class ought those grants to be made? In favour of those who are already well-to-do, or in favour of the destitute, miserable, degraded pauper and criminal class? I think it is sufficient to propound that question. It answers itself. I beg leave to second Mr. Steinthal's resolution.

Miss CARPENTER, in reply, described how much the district in Bristol, where she had laboured for nineteen years, had been improved and elevated by the ragged schools. With regard to the schools themselves,—"I do not want," she said, "a certificated master; such masters have proved that they can take in knowledge, but they have not proved that they can put out knowledge; that

they can lay hold on a child's mind and raise it. The education must be religious; but I don't want to have regular moral lessons. We must have a master who can make moral training pervade the whole system. We must also have industrial education. I consider the half-time system, that is, industrial work connected with intellectual education, to be the perfection of training, because then all the faculties are called into play, and the children learn as much in three hours as they otherwise would in five. Then we must have baths and washhouses, and a playground, or, if that cannot be had, a playroom. No doubt, these things would make the free industrial schools better than the national schools; but the answer to that objection is, improve the national school. What I ask Government to do for the ragged schools is to grant them not a third, as in the case of the British and national schools, but about a half; leaving the other half to be provided for by voluntary subscriptions. I should like best the principle of the minute of 1856, by which Government gave half the salaries, and half the rent, and two or three other things; but I would take either that or a capitation grant. I have said £1 per head for day, and 10*s*. for night scholars."

The President:—The Association, as a rule, is adverse to passing resolutions. Its object is to furnish a platform, or arena for discussion. But there can be no harm in passing this resolution, for it only asks the Council to do what no one will doubt the propriety of.

The resolution was then put and carried unanimously.

EDUCATION IN TURKEY.

Miss G. Muir Mackenzie and Miss Irby contributed a paper on education, especially female education, among the Sclavonic Christians of Turkey in Europe. The paper stated that the number of the Sclavonic Christians, more or less connected with the Ottoman empire, amounted to between 7,000,000 and 8,000,000. Wherever the Christians have a native government public instruction is an object of solicitude, whereas the Mahomedan government of Turkey does nothing for the education of its Christian subjects. For instance, the self-governing principality of Servia, with 1,000,000 of inhabitants, has, during the last 35 years, provided itself with 318 primary schools, six gymnasia, two commercial schools, a theological seminary, a civil and military academy, while in neighbouring Bulgaria, which is administered by Mussulmans, 5,000,000 to 6,000,000 Sclavonic inhabitants have not a single Sclavonic academy or higher seminary. In the smaller Sclavonic districts, Old Servia, Herzogovinia, and Bosnia, education stands lower than in Bulgaria. Female education was impeded by the lack of qualified teachers not to be obtained in Turkey, and young girls could not well be sent out of their own country to be trained. However, the native women had started some schools which, if helped forward and supplied with proper teachers, would form a most hopeful instrument for civilising and instructing the community; and to undertake this work, an association has been formed for the promotion of education for the Sclavonic Christians in Turkey. The scheme was purely educational, without any object of making proselytes of the Oriental Church, one of its patrons being the Archbishop of Canterbury, another the Metropolitan of Servia.

HEALTH.

Report of the Standing Committee of the Department.

A CONFERENCE was held at the Rooms of the Association on the 17th of August, 1865, to consider the threatened visitation of cholera. The Bishop of London was in the chair.

The Standing Committee of the Health Department, on whom devolved the duty of carrying out the resolutions passed at the Conference, were of opinion that the best way of giving effect to the intentions of the resolutions would be to form a Special Committee consisting of their own body, with the addition of delegates from other bodies. They felt that the known existence of a committee of practical and experienced men would tend to allay that undue alarm so likely to be excited by the disconnected and unexplained statements which often find currency in times of danger; and that, by collecting facts from all available sources, a mass of evidence might be procured, which would be of the greatest value as a guide in suggesting the adoption of precautionary and preventive measures should the cholera appear among us. The Committee thus appointed prepared the following resolutions, suggesting in the first place the inquiries, and the mode of making them, which, in the judgment of the Committee, ought to be instituted, and also such practical measures as may be carried out by voluntary exertion, to avert or mitigate the visitation of any epidemic disease. Their propositions were intended to be voluntary, and supplementary only to the efforts of the Medical Department of the Privy Council and the functions (so far as they can be well carried out) of the Medical Officers of Health; and the co-operation of the Medical Officers of Health of the Metropolis was invited, the Committee highly appreciating the importance of the practical suggestions made by them for the amendment of the law for Improvement of the Sanitary Condition of the Population.*

I.—That the number of deaths by miasmatic disease,† of which a large proportion is preventible, amounted in 1863, according to the Report of the Registrar-General, to 114,538 for all England; and that such amount of disease, especially

* "Seventh Report Medical Officers of the Privy Council," pp. 528-532.

† The class of diseases coming under the term of "miasmatic" are cholera, diarrhœa, dysentery, small pox, measles, scarlatina, diphtheria, quinsy, croup, whooping cough, typhus, erysipelas, carbuncle, influenza, ague, remittent fever, rheumatism, &c.

under a threatened invasion of cholera, and apart from it, demands the most serious public attention.

II.—That it is of great importance, for the economical and efficient direction of public effort, to ascertain and make known, as early and as clearly as practicable, among what classes, under what conditions, and from what causes—whether of overcrowding, of defective water supply, want of proper ventilation, or otherwise—these diseases are developed and perpetuated.

III.—That with this end in view statistics should be obtained as to the death-rates, and the proportions of deaths from diseases of the miasmatic class, in improved model or other dwellings, in improved common lodging-houses, and in well-managed public institutions—such as district institutions on the half time system, schools for the reception of destitute children, and well-managed prisons; distinguishing the diseases arising therein from those introduced.

IV.—That the chief seats of miasmatic disease should be early ascertained and designated in lists, and marked on maps for the direction of inquirers.

V.—That as the worst places are known to the Union Medical Officers and the Union Relieving Officers, it is to the Boards of Guardians of the Poor-Law Unions and their officials that the public must look for the earliest information to other bodies charged with the care of the public health, as to the first cases of the diseases referred to.

NOTE.—Whereas, the authority of municipal corporations is often limited to portions of towns, all civic and rural populations are under the jurisdiction of Boards of Guardians, who, being themselves responsible to the Central Board and to Parliament, are charged with the relief of destitution occasioned by sickness and premature mortality, and with the supervision of the Union Infirmaries and of the Medical and Relieving Officers.

VI.—That the attention of the President of the Poor-Law Board be called to Resolution I., and that he be requested early to direct the attention of Boards of Guardians to the rates of mortality in excess of known standards afforded in the same counties as shown by the Supplement to the 25th Annual Report of the Registrar-General. That he be also requested to direct the guardians particularly to inquire into and ascertain by their officers the seats of the most rife miasmatic diseases, and to publish them without delay for the information of the ratepayers and others, and that the local authorities should be especially reminded of this fact—that local registrars have in their books records of the places and houses actually visited by cholera, typhus, &c., in previous epidemics.

VII.—That it be submitted to the President of the Poor-Law Board, that inasmuch as the proposed course of action, by averting or lessening the mortality from miasmatic diseases, will prevent claims for relief, on account of widowhood, orphanage, and premature disability, the necessary incidental expenses may be fairly charged on the poor's-rates throughout the country.

The following are recommended by Poor-Law Guardians and other authorities, as the best means of carrying out the foregoing resolutions:—

(*a*).—Poor-Law Inspectors should induce the medical and relieving officers to mark on maps of their districts the places they have had occasion to visit for diseases of the miasmatic class.

(*b*).—Union clerks, as superintendent registrars, or the other officers acting as such, should mark on the same maps the places from whence deaths from diseases of the miasmatic class have been registered.

(*c*).—The seats of diseases of the miasmatic class should be marked with red ink; and of deaths, with crosses in black ink; and the places where cases of cholera have occurred, should be marked with blue ink.

(*d*).—The medical and relieving officers should be requested to make notes and observations on the conditions of the places affected by miasmatic diseases, and the classes of persons who suffer most from them.

(*e*).—The courts, alleys, and other places which are undrained, or badly drained, and which have no proper water-closets or self-cleansing house drains or sewers, and no proper pavement, should be marked on the proposed district map.

(*f*).—The police having constantly to traverse all districts, and being well acquainted with those which are physically in the worst conditions, the heads of police should be requested to aid the local inquiries by directing each policeman

to make out descriptive lists of the places characterised by foul smells, by common nuisances, and by overcrowded and badly constructed tenements; and that weekly tenements, and the like places, where overcrowding exists in connection with disease, should be distinctly marked in the district maps.

(*g*).—The marks on district maps should be transferred to general maps.

(*h*).—In the metropolis and in other towns where ordnance surveys have been made copies of the ordnance maps on the largest scale be used, and in other cases tracing of town surveys.

(*i*).—In aid of such maps the chief seats of the miasmatic diseases should be accompanied by lists, with observations by the registrars or other union officers, and a statement of the density of the population.

(*k*).—That maps and lists constructed and marked in the manner recommended should be published without delay for the use of all concerned in sanitary inspection.

VIII.—That it is desirable that local associations should be formed to visit the places pointed out in the maps and lists, and to organise a system of voluntary house to house visitation, to ascertain the conditions which require removal or mitigation.

NOTE.—The following are among the effects which may be reasonably expected from the proposed local associations and examinations, viz., more accurate information as to the extent and nature of defects of the sources of water-supply of many districts, of such injurious defects as sewer-tainted wells, water kept in uncovered butts and tanks over privies or dungheaps, and defects in the ordinary qualities, quantities, and methods of the distribution of the water supplied—as means of house and street cleansing, as well as for personal cleansing, for clothes washing—especially for the poorest classes—as also defects of sinks, drains, and means for removing foul or waste matter, the extent of existing defects of house and street drainage, the extent of cesspools and of house drains, and of sewers of decomposing deposit, which are only extended cesspools.

IX.—That special local inquiries be directed to the state of the existing provision for receiving and treating cholera cases in union-houses, hospitals, houses of refuge, &c., and as to the means provided for the immediate removal, not only of the dead, but of the sick, from rooms which are at once the living and sleeping rooms of the poorest classes, to places specially provided for the purpose.

X.—That a special fund be raised to defray the expenses of the Committee in printing, correspondence, obtaining and distributing returns, and otherwise and that a subscription be invited for this purpose.

October 24th, 1865.

BILLS.

In the last Session of Parliament several attempts were made in sanitary legislation ; a Bill for facilitating the more useful application of Sewage in Great Britain, and a Bill to amend the laws for the Protection of Rivers and Streams in England. These Bills were brought forward by Lord R. Montagu, but were subsequently withdrawn. Two Bills were brought forward for regulating the trade of Chemists and Druggists ; one proposed to apply the system of registration and examination in use under the Pharmacy Act of 1852, the other to establish a new body, consisting of a "Council of the Chemists and Druggists of England," to be under the control of a Commissioner appointed by the Secretary of State. These Bills were also withdrawn.

REPORTS.

A third Report of the Committee on the Utilisation of Sewage was issued this year, containing many new and valuable experiments

in agricultural chemistry, and on cattle-feeding. A Committee also sat to inquire into the most useful and profitable mode of disposing of the Sewage on the north side of the Thames; and although this inquiry refers principally to a Private Bill (the Hope and Napier plan of employing the Sewage in Essex Marshes), it involves matters of great importance, both as regards the Utilisation of Sewage and the principles of Local Taxation.

The following Reports, which have appeared during the year, deserve special mention:—The 7th Report of the Medical Officer of the Privy Council on Public Health; the 20th Report of the Registrar-General of Births, Deaths, and Marriages, and the Supplement to the 25th Report; a most valuable summary of the causes of Death, and the proportions of death-rate to population in all parts of England for the last ten years, and the Report of the Medical, Sanitary, and Statistical Condition of the Army and Navy up to 1863.

UNHEALTHY OCCUPATIONS.

In what Way can the Needless Exposure of Workmen to Danger to Life and Health be best avoided, especially in Collieries, Mines, and Manufactories? By P. H. HOLLAND.

BEING a Medical Inspector under the Government, and a member of the late Mine Commission, it is proper to remark that anything I may say is entirely unofficial. In considering the question, it is necessary to inquire, what are the needless dangers to which the particular workmen in question are peculiarly exposed, and how those dangers can be best guarded against, and how both masters and workmen may be best induced, or, it may be forced, to adopt the precautions necessary for avoiding such danger? By needless danger I do not mean such as could only be avoided by abandoning dangerous occupations, or by precautions so costly as to render such occupations unprofitable, but such only as might be guarded against by reasonable and proper care. It is right that dangerous work in one district should be carried on in as safe a manner as in other districts; and it is only fair that masters who refuse to do what is necessary to preserve their workmen from needless risk, should be made to pay full compensation to all who are injured in consequence. Since I brought the dangers of coal mining before the Association at Bradford, in 1859, much progress has been made, in a great degree caused by the public attention which has been directed to the subject. In 1860, the Amended Colliery Inspection Act imposed expressly upon owners and agents of mines the observance

of some important precautions which were before merely directed generally. The difference in efficiency between directing precautions to be observed by anybody, and imposing the responsibility of their observance upon certain individuals distinctly, has been most remarkable. Part of the effect is, no doubt, due to the law rendering any one who neglects a precaution, which it is his express duty to observe, liable for such pecuniary damages as result from his illegal neglect; and perhaps there is no better mode of insuring the greatest possible safety to the men than by enforcing payment by their masters for all losses occasioned by their neglect of means of safety. Imperfectly as this civil responsibility of the owners and agents of collieries is now enforced, their liability to it, or at least the distinct enactment of 1860, that certain precautions should be observed *by them*, has been immediately followed by a very large reduction in the deaths from those accidents against which the owners and agents have been directed to observe precautions; while there had been a much smaller reduction of those against which precautions are simply directed to be observed. Thus, during the eight years 1851-8, when about 217,000 men and boys were employed in coal mines, there were 1,002 a-year killed, on the average, by accident; while during the four years, after the Act of 1860 came into operation, though the number of colliers has increased to at least 280,000 (and probably more), the deaths from accident are actually less, and relatively very much less, namely, 957 a-year; and if the deaths at Hartley Colliery be excluded—as perhaps they ought to be, as the accident which caused them was so very extraordinary—the average will be only 906 a-year, or 96 fewer, though the colliers are at least 63,000 more. When, however, the different classes of accidents causing death are examined, the effect produced by the amended law of 1860 becomes much more striking. The precautions directed to be observed by the owners and agents of coal mines are chiefly directed to prevent explosions and accidents in the shafts; those to prevent falls of roof and coal and miscellaneous accidents are generally directed to be observed by the men. During the eight years before and the four years immediately following the amended law, the proportion of deaths, to 100,000 men and boys employed, from each great class of accidents was on the average per annum as follows :—

Death rate.	In the Years 1851-8.	In the Years 1861-4.	
From Explosions	114	50	
In Shafts	100	54	
From Falls of Roof or Coal	176	148	
Miscellaneous	78	71 {including the Hartley accident.}	89
Total	468	323	341

Thus, while deaths from explosion have been reduced by half, and those from shaft accidents by nearly half their former proportion, those from fall of roof and of coal, which kill three times as many as are destroyed by explosion (the danger which almost exclusively attracts public attention), remain nearly as numerous as they were. If the responsibility of guarding against falls of roof or coal were imposed upon all owners and agents of coal mines, there can be no doubt that the frequency of these accidents, by which eight lives are, on the average, lost every week, would also be reduced probably by half possibly by more than half, their present fearful number.

In the districts where men are employed for the special duty of guarding against such falls, accidents are very much less frequent than where the propping or spragging is done by the pitmen themselves. This is precisely what might be expected, for men employed to perform a particular important duty are likely to be selected from amongst those who perform it best, and they will certainly acquire greater skill and knowledge for the proper performance of that particular duty; and, what is perhaps still more important, they will have no inducement to neglect this work, as the pitmen have. These being paid in proportion to the coal they get, and not for time occupied in propping, &c., are thereby tempted to neglect it as much as they dare, while they will permit no neglect by others which endangers themselves. If the law imposed upon the owners and agents the duty of taking precautions against fall of roof in all pits, which duty has been voluntarily undertaken in the best managed mines, there would not be, as there are now, above four hundred lives a-year, eight a-week, lost by falls of roof and coal. More than half of those deaths, and a much greater number of severe accidents not fatal, might be prevented, and would be prevented, by such an extension of the Act of 1860. It will be difficult to prove that this great and needless cause of danger should be allowed to continue, simply because certain coal owners prefer not to undertake a duty which clearly ought to be imposed upon them, and which the best managers of coal mines do, with great advantages to themselves as well as to their men, voluntarily undertake.

The excessive danger of coal mining is notorious, but many are not aware that metal mining is much more destructive of life. Coal miners who lose their lives are evidently killed, while metal miners appear to die naturally, though they are just as certainly killed by their employment as if they were burnt, or crushed, or dashed to pieces. They are destroyed by excessive lung disease, which, shortening the average duration of their lives by nearly nine years, shortens the period of productive labour by at least one-third, makes many wives widows, and numerous children early orphans. Though the excess of deaths amongst miners when young is not great, when they get above 40 it is enormous, as is shown by the following table of the annual death-rate of males in Cornwall amongst 1,000 living, of all ages above 15, from all causes :—

TABLE OF ANNUAL DEATH-RATE.

Age.	Miners.	Not Miners.	Proportion.
15	9.44	7.5	1.26
25	9.57	8.32	1.15
35	15.12	10 08	1.50
45	29.74	12.5	2.38
55	63.21	19.96	3.17
65	110.51	53.31	2.07

ANNUAL DEATH-RATE FROM LUNG DISEASE.

Age.	Miners.	Not Miners.	Proportion.
15	3.77	3.30	1.14
25	4.15	3.83	1.08
35	7.89	4.24	1.86
45	19.75	4.34	4.55
55	43.29	5.19	8.34
65	45.04	10.48	4.30

That this enormous excess of fatal lung disease amongst miners is caused by their employment is evident, for it is confined to those who work underground. It is not caused by the climate of Cornwall for that is unusually mild and equable, and other Cornishmen, not miners, are less than usually liable to such diseases; nor is it due to hereditary predisposition, for their children are remarkably healthy, and the other members of miner's families do not suffer from it, nor do the miners themselves until they have worked for some years underground. The same facts prove that it is not caused by any peculiarity in their mode of life at home or of their dwellings, or of food, or clothing, all of which are similar to those of their families (who do not suffer) and somewhat better than most of the other labouring classes can obtain. Neither is it caused by excessive duration of work, which is shorter than the average. Lastly, those miners only suffer considerably from excessive lung disease, who work either in badly ventilated mines, or who have to climb ladders from great depths, or who breathe much gritty dust or powder smoke, or candle fume, or who are exposed to wet or cold, when overheated by climbing, or by working in hot or close air.

When a number of causes of disease are acting together in the same direction, as in this case, it is difficult to prove which is the most injurious. My own belief is, that bad ventilation with its consequences, the breathing of hot, close, and foul air, the confinement of powder, smoke, and candle fume, and especially the increased liability to catch cold after working in close, and therefore hot and

foul air, are the most frequent causes of the miners' complaint, only because these are the causes of disease to which the great majority of miners are exposed; for I am also convinced that ladder climbing from great depths is still more fatally injurious to those who have so to climb (who fortunately are the minority), and that it is of course especially injurious and distressing to those whose lungs are already injured either by existing or by previous disease, or who expose themselves to cold when overheated by climbing.

If it be right, which no one doubts, to enact that the owners and agents of coal mines shall ventilate them so as to prevent dangerous accumulation of injurious gases in them, in order to check the danger of explosions, can it be wrong to enact that the owners of metal mines also, shall so ventilate them as to prevent that closeness, foulness, and heat of air, and that confinement of powder smoke which cause disease much more destructive of life in proportion than explosions are, and more certainly preventible. If it be right, which no one doubts, to enact that the owners of coal mines shall observe precautions to lessen the chance of their men being killed while going up and down the shafts, can it be wrong to enact that the owners of deep metal mines shall adopt means for preventing the *certainty* of premature and painful death from disease, produced and aggravated by long continued climbing?

If it be contended, as it is by some, with strange absurdity, contended, that it is beyond the province of just legislation to interfere with any employment, however dangerous, in which grown-up men voluntarily engage, I reply that the community has a right to guard against any evil injurious to it, whenever that can be done without producing a greater evil. Danger which cannot be avoided must be encountered, but there is neither wisdom nor justice in allowing large numbers of our countrymen to be constantly exposed to great and needless dangers, such as those of mining, which may be materially lessened, with no cost that would not be repaid by greater efficiency and economy of work. It needs no argument to rove that men cannot work in hot and close as well as in cool and fresh air; or that when 56 out of 100 miners die from slowly-produced and lingering lung disease, a very large proportion of those at work must be so ill as to be unable to work with full efficiency; or, that if men have to spend their strength in climbing ladders equal to four or five times the height of St. Paul's, as some have, they cannot do as much useful work as they could if saved that wasteful, excessive, and destructive toil. Nor does it need proving that it is a national duty to stop the needless exposure, not to the risk, but to the certainty, of premature death of a large number of the most intelligent, the most industrious, the best conducted, the most virtuous, and the most religious of our countrymen; and, by saving them, to guard their wives and children from the dangers and privations of early widowhood and orphanage, and their friends and the public from the burden of maintaining those now left destitute; nor that it is the National interest as well as the National duty to save the waste of life amongst

those whose labours create National wealth, who work for England in Peace, and, if the sad necessity shall arise, would fight for her in War.

The Effects of certain Sheffield Trades on Life and Health By JOHN CHARLES HALL, M.D., *Senior Physician to the Sheffield Public Hospital.*

SHEFFIELD is the principal seat of the cutlery and other hardware manufacture, and the capital of the parish which bears its name. The parish of Sheffield is of considerable extent. It is about ten miles in length; its average breadth three miles, with an area of rather more than 22,000 acres. At the last census the population was 185,157, being an increase in ten years of 49,874. The present population of Sheffield is more than 200,000. The number of houses at present, I am informed by Mr. Bagshaw, is 43,563, and of these 39,664 are inhabited, and 3,900 uninhabited. The last return made to the town clerk showed the rateable value of the property in the borough to be £498,641 7*s.* 4*d.*

In the ten years ending 1860, the death-rate was 28 in 1,000—in 1863, 34 in 1,000—in 1864, 34 in 1,000, and for the first six months of the present year we find it after the rate of 32 in 1,000, and even admitting a slight error in this return of the Registrar-General, based as it is on our population at the last census, nevertheless the death-rate of Sheffield must strike with alarm everyone who gives the subject his consideration.

Sheffield has very rapidly increased in size and importance; for in 1615 the population was only 2,207. In 1736 the township of Sheffield consisted of 2,152 houses, with a population of 9,695. Many of our local trades can be carried on with a very small amount of capital, and hence the very large number of what are called little masters. The wages of many of the artisans are also much higher than in other towns. I mention these circumstances as I think we shall presently see that they have an important bearing on the subject under consideration.

The neighbourhood of Sheffield abounds in the three mineral productions which are most important to man—coal, iron, and stone. The iron ore is found in many parts of the district at a depth of from 50 to 60 feet; and although it was unquestionably the raw material which first led the inhabitants of the town of Sheffield to manufactures of iron, these mines are, in this our day, comparatively of little importance to the staple branches of the trade—steel is what is principally required, and the native iron of the district is not adapted for the conversion into steel like the iron of other countries. A large quantity of English iron is doubtless used in Sheffield in the manufacture of cast metal goods; but a hundred furnaces, at the

least, are constantly at work for converting the iron of Sweden and Russia into steel, from which our finest razors, scissors, knives, and files are made.

Below the iron lies the bed of coal, one principal seam of which runs under a portion of the town. The mean depth of the coal is about 120 yards, and the thickness of the bed from 3 to 5 feet. This bed supplies, and has supplied for many years, the fuel required by the manufacturers; but the existence of railways of late years has, of course, extended the sources whence the supply is obtained. Previous to the employment of coke, charcoal was used in the smelting of iron ore, and doubtless led to the destruction of many of our ancient forests. Evelyn has remarked that, "Nature has thought fit to produce this wasting ore more abundantly in woodlands than in any other ground, and to enrich our forests to their own destruction."

In the early days of its history, the only extensive concerns connected with the trades of Sheffield were the furnaces and forges in which the iron was prepared for the manufacturer; and the beautiful park of Sheffield, in the midst of which stood the prison which so long held the Scottish Queen, was, within the memory of man, dotted with iron-stone pit-hills. Sheffield did not enjoy, in those times, that almost entire monopoly which she possesses at the present of that staple article of her manufacture—the knife. This country had an import trade in knives till the reign of Queen Elizabeth; and in the articles enumerated in the Custom House Books of the reign of Henry VIII. are "knives of Almayne, knyves of France, and knyves of Colloyne." Stowe informs us that, in the fifth year of her reign, Queen Elizabeth laid some restrictions on this import trade, in order to encourage the London manufacturers, London being at that time the principal mart for the finer species of cutlery. Now, it is notorious that a very large portion of what is sold as fine London cutlery in the metropolis—both scissors, knives and razors—are

"Sheffield made,
Both hafft and blade."

The town of Sheffield is supplied with water by a company, the principal reservoirs of which are placed at an elevation of 1,200 feet above the level of the sea, and are filled from springs, and from the surface drainage of the land. The quantity of rain-water at such an elevation is, as a matter of course, at all times considerable. The water is brought along an open stone conduit to the other reservoirs of the company, which are placed about a mile from the town, and they are placed at an elevation of 460 feet above the lower streets; so that the water, which is conveyed in iron pipes to the town, can be easily taken to the upper rooms of the house of any inhabitant who may require it.

The water is very pure. An imperial gallon does not contain more than four grains of mineral and organic matter. About a grain of these is in a state of suspension, and can easily be sepa-

rated by filtration; and about three grains of saline, earthy, and organic matter are held in solution. The taste is agreeable, and few towns have more pure and better water than Sheffield.

The supply of all the necessaries of life is abundant, and generally reasonable in price. Milk is brought into the town by the small Derbyshire farmers around Sheffield.

Having taken a general and rapid survey of the town of Sheffield, it may be well to direct attention to the homes of its artisans. Most of them have a house of their own, and those who live in the suburbs have frequently a garden. In times of good trade it is not usual to find two families under the same roof, and I do not think we have an inhabited cellar in the whole town. The average number of inmates to each house is rather more than five, and many of these dwellings either front the street or open into moderately-sized yards. At certain periods, however, numerous houses are returned as uninhabited. This is easily accounted for. When trade is good, there is a great demand for cottage houses, and speculators are induced to run them up as slightly and rapidly as possible, in the hope of obtaining for a time at least an enormous percentage: hence, when trade becomes bad, a reaction takes place, and the speculative builders who have paid but little attention to what are really the legitimate wants of a population, find, to their cost, that the cottage accommodation that has been created is far beyond what is required. The recent adoption of the "Local Government Act" by the Corporation of Sheffield will have a most beneficial effect so far as the erection of houses for our artisans is concerned. There is probably less of the confined alley and narrow *cul-de-sac* in Sheffield than in many other manufacturing towns. A good deal has been done of late years to the sewers and surface drains of the town, but still much requires to be done to improve the sanitary condition of the inhabitants. The working classes appear but little aware that they have a duty to perform as well as the authorities; and that all measures for effecting improvements in the drainage of the streets, the supply of water, and in ventilation, may be rendered nearly inoperative, for removing the causes which increase the bills of mortality and seriously affect the health of towns—those causes which add to the burdens of the ratepayers by producing widowhood and orphanage, arising from preventible diseases and preventible deaths. I say, do what the authorities may, their efforts will be far from successful if a nidus of morbific effluvia be permitted to remain in almost every part of the confined courts in which the houses of some of our artisans are placed, and who, on opening their windows with the forlorn hope of purifying their small habitations with the breezes of summer, get instead a mixture of gases from dunghills, ashpits, and night-soil—or what is even worse, because more insidious, from earth which has become impregnated with organic matter imbibed long before, and which now, though comparatively clean and dry, emits a poisonous vapour.

The manufactures of Sheffield are cutlery—knives, scissors, razors,

files, edge-tools, joiners' tools, engineers' tools, scythes, sickles, shears, saws, circular saws, steel, railway springs and rails, buffers, anvils, vices, steam hammers, boilers, engines, stove grates, fenders, fire-irons, silver, silver-plated, Britannia metal goods, &c., &c., &c. To which must be added the more recently-introduced manufacture of armour plates, guns, and steel shot.

In considering the effects of the Sheffield trades on life and health, with a view of showing how their injurious effects may, to a very considerable extent, be removed, it will be quite impossible for me within reasonable limits to direct attention to all of them. Such, for example, as ivory and bone cutters, cutlers, hair-seating weavers, &c.* I shall therefore confine my remarks to the manufacture of files, and to the grinding trades of Sheffield, with a passing allusion to the men employed in the lead works of this town, because they suffer from a disease arising from the same poisoning of the system as file cutters.

The lead works of Sheffield were established in 1758, and now employ about 40 men and 20 women. Although as old as any works in England, no better precautions are taken to preserve the health of the workmen at any of the more modern establishments. Plenty of air, and strict cleanliness are deemed of the utmost importance in preventing the attacks of lead poisoning. The latter is enforced as much as possible by the foreman and managers. A pint of ale is allowed daily, and in the event of sickness medical attendance is supplied and sick pay granted to the sufferers. I am indebted to my friend William Baker, Esq., F.C.S., the chemical superintendent of these mills, for the fact that the workmen who have to do with metallic lead only, suffer very little; nor do the red lead workpeople appear to be so liable to the attacks as those employed in the white lead departments. "These latter often are taken," says Mr. Baker, "in three or four months from the time they first commence working." Some constitutions, however, appear to resist lead poisoning better than others, and men are now working who have been employed at the Sheffield Lead Mills 6, 8, 12, 13, 14, and in two cases 30 years.

The forging, grinding, cutting, and hardening of files forms one of the most important branches of our local trades, and one in which the workmen suffer most severely, at any rate in one part of the manufacture of a file. This is one of the trades which is "in Union," and consequently one the numbers employed in which can

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* Many years ago, Mr. Thackeray pointed out the effects of arts, trades, and professions on life and longevity. Stonemasons, quarrymen, cotton batters, miners, leather dressers, needle pointers, machine filers, bone scale cutters, ivory cutters, and hair-seating weavers, suffer more or less from the effects of dust. A singular affection is produced on the men who haft knives with cocoa wood and ebony, the dust from both of which woods causes in some instances constriction of the chest, running from the eyes and nose, and symptoms which resemble those present in hay-asthma. It also produces, when the skin is at all tender, a peculiar kind of erythema on the hands, face, and other parts of the body.

more readily be ascertained. At the present time there are engaged in the file trade :—

Forgers and Cutters	3,500
File Grinders	250
Hardeners	200
Females	300
Boys	1,000
Dressers, Strippers, and Coke Riddlers ...	300
Managers	200
	5,750

If to this number we add the manufacturers, and those not connected with the Union, it will be seen that more than 6,000 of the inhabitants of Sheffield and its vicinity are engaged in the manufacture of files. The Filesmiths' Union is one of the most powerful in Sheffield. From 1854 to 1865 it has paid to its members when out of work, £51,044 17*s.* 2½*d.* From 1860 to the end of 1864 (five years), this Union paid for 312 deaths, viz., 297 men and women and 15 boys, £1,156 6*s.* 0*d.* The wages of the better class of double-handed forgers will average about 40*s.* a week; single-handed forgers, 25*s.* to 30*s.* a week; cutters of a superior class of work, 30*s.*; boys, 6*s.* to 18*s.*; female cutters, 6*s.* to 18*s.* a week; scourers, &c., 9*s.* to 12*s.*

In speaking of the wages of file forgers, single and double-handed forgers were mentioned. Small files—say all under ten inches—are made single-handed; the larger files require a striker who, using a very heavy double-headed hammer, aids the skilled forger in moulding the steel into the requisite shape. The history of a file is simply this—as a rule, horse rasps are forged from bar steel; other files from cast steel. When forged, the file is sent to be annealed, or softened, in a furnace or baking oven; it then goes to the grinder, who, placing it upon the whetstone, grinds it until he makes it perfectly white and marked only by the grain of the stone. The best smooth files are then stripped, and filed from heel to point, in which condition they are sent to the cutter,* who uses a hammer which varies in weight according to the size of the file—also a leather stirrup, which is for the purpose of holding the file upon an anvil enclosed in a stone stock.†

The file, while being cut, rests upon a bed of lead, and where many

* A file with 1,000 cuts on each side is made with a hammer and chisel, the hammer weighing 7½lbs.; it has 300 cuts on the edge, for which a 3lb. hammer is used. A man working 10 hours can cut about 20 such files in a day. Mr. J. E. White has calculated that a man to do this must lift about 140 tons in weight during a day. Files are not cut by the machine in Sheffield; machine-cut files being considered very inferior to files cut by hand.

† Those who may wish to understand thoroughly this beautiful process of file manufacture in all its branches, cannot do better than consult the very able pamphlet of Mr Henry Turner.

are cutting in the same shop, fine particles of lead dust abound in considerable quantity. In cutting files, it is the custom of the men to wet the thumb and finger of the left hand by putting them to the mouth and so moistening them with their saliva. At every shifting, and when the file has to be turned, the lead is handled, and thus, in a variety of ways, it is absorbed into the system. The next process the file undergoes is hardening, and were it not for the practice of some houses of hardening files in lead, it would not be necessary for my present purpose farther to describe the manufacture of a file. I say the practice of some houses to harden in lead, for out of 200 firms manufacturing files, I find as yet only about 15 that have adopted this system. After the file is cut it has to be hardened.

If the old process of hardening in a coke fire be adopted, the file is brushed over with ale grounds and salt, a covering which protects it from the effects of the coke fire, in which it is thoroughly heated without being burnt; it is then set and straightened, either with a hammer of wood or of lead. It is then dipped into salt and water, and afterwards taken out and "strained" by the hardener to the requisite form. The files are then scoured with water and fine sand, and plunged into lime water, which imparts that peculiar grey colour which renders the Sheffield files as beautiful to look at, as they are confessedly valuable to use. The *tang* of the file is tempered in hot lead, after which the file is brushed, oiled, and wrapped up for market.

The file is covered with a composition of one part of wheaten flour, two parts of fine charcoal dust, and three parts of common salt. A small pan containing the lead, about ten inches in diameter, is surrounded by a coke fire, and stands in the centre of the furnace, which presents a surface, more or less heated, of about four feet square. The lead is kept, or perhaps rather I ought to say, should be kept covered with fine coke dust, or, what is better still, with finely ground old steel pots, for this material is found to lie closer than any other to the surface, and to prevent what the file hardeners call waste, *i. e.*, oxidation of the lead. The metal is kept at a good red heat, but certainly below the temperature at which lead volatilises.

What is the file cutters' disease? Poisoning by lead. I have already stated that the file rests on a bed of lead during the process of cutting, and that fine lead dust may be seen to rise every time the chisel is struck by the hammer. The men have a foolish habit of wetting the finger and thumb with which the chisel is held, by licking them—they frequently eat their meals without washing their hands—and often take dinner in the workshop where the files are cut. As though fine lead dust, handling the lead at each shifting, and licking the fingers were not sufficiently poisonous. I saw in one of the file-cutters' shops, during the last few weeks, a man, whose wife had just brought him his dinner, eating it with unwashed hands, and dipping his fingers, blackened and covered with fine lead dust, into a paper

which contained the salt for seasoning his beef. I went this day (September 25, 1865), to a file shop in which several men were at work, cutting. These men all take their dinners in the shop—they never wash their hands till they get home at night—"sometimes not then." They do not change their clothes when they get home. One man made this statement: "I have known a thousand file cutters, but I only know one who takes the trouble to wash his hands before he gets his dinner; he works at Cammells'. I never think of washing mine." With regard to the symptoms of lead poisoning, I need not dwell on them at any length here. Lead, as a poison, first appears to act on the peripheral nerves of the body, and afterwards, on the nervous centres; its chief manifestations being on the nerves of the intestines, producing colic—and on those of the arms, producing paralysis. I know not why this substance should exert a special influence on those parts. The file cutters, after repeated attacks, have a peculiar dirty-white and sallow appearance; the dropped wrist is common, and the blue line round the teeth, arising from the depositions of a sulphuret of lead, very marked. The deposit of sulphuret of lead is due either to the sulphur furnished from animal matters received into the tartar on the teeth, or the sulpho-cyanic acid in the saliva. The lead is from the salt of that metal which has entered the circulation. A boy was admitted into the Sheffield Public Hospital, a few weeks ago. He had all the symptoms of lead poisoning except the blue line; being a file cutter, no doubt existed as to the nature of the disease. Iodide of Potassium was given to him, and in a week the blue line appeared. If formed, it is difficult to say when it will disappear. I once had a file cutter under my care who had suffered in early life from lead colic; he had not, however, cut files for eighteeen years before I saw him, nor had he been in any way exposed to the influence of lead. The blue line was still present.

With respect to hardening files in lead producing the file cutters' disease. The men who work at it say, "that sometimes they feel ill," and they consider it injurious to health. My own experience leads me to say that it most certainly is not nearly so injurious as file-cutting. At the Sheffield public Hospital and Dispensary, where we have had the last two years, 56,858 in and out patients, and to which the File-smiths' Union annually subscribes £52 10s., to have the privilege of sending the poorer brethren of the trade, when sick, I do not remember to have seen, the last ten years, a file-hardener suffering from lead colic. I saw one with the blue line, but he had only hardened in lead for a short time, but he had been a cutter previously for many years, and had often been a sufferer from the file-cutters' disease. If this process prove a valuable one, and if it be found not open to the objection urged so strongly against it, "that it makes soft and dumb files," a moment's consideration of the process already described, will convince any one, that with very ordinary precautions, the operation may be rendered quite harmless to the workmen. But, unfortunately, it is just those ordinary precautions

which are so frequently omitted, through ignorance or carelessness, in many departments of life. If the workmen suffer at all from hardening files in lead, how does the lead affect them? Clearly, from the fine particles of oxide of lead (dust) which are carried upwards by the current of air rising from so large an extent of heated surface. This takes place more especially when the file is plunged into the pan, and the covering of coke-dust and dross of oxide of lead is disturbed. Nothing can be more simple and easy than to place a hood over the pan leading up to an opening in the chimney of the furnace.

The current of air would then pass in a direction away from the person of the hardener. Mr. Baker, whose great practical experience as a chemist connected with our lead works all will admit, was kind enough to visit some of these places with me. He fully confirms my opinion, that the prevalent idea that any vapour containing lead is given off, is altogether erroneous. Even supposing any chloride of lead were formed from the salt in the composition used in covering the files, its vapour would be visible, if the temperature were high enough to render it volatile. We saw no such vapour.

a. Children should not begin to cut files at so early an age as at present. It tends to make them feeble in body, and deprives them of the possibility of being properly educated.

b. Without the greatest care, lead will enter the system through the skin. Common sense will, therefore, point out the importance of washing the hands, arms, and face, many times a day; of frequently combing and brushing the hair; and of having one set of clothes for the shop and another when out of it. The mouth ought also to be frequently rinsed with water.

c. The meals ought not to be taken in the workshop; and never taken without first washing the hands, arms, face, and lips, and changing the working jacket, or the poison will enter the system with the food.

d. On no account lick the fingers when at work.

e. An orinasal respirator worn when working, would keep out much of the fine lead dust, and consequently keep the poison from entering the air-passages.

f. The dress should be of coarse linen; a cap of the same material would keep the lead-dust from the hair.

g. The working-dress and shirt should be put on when entering the shop; and both should be changed for the ordinary dress before going home.

h. On no pretence neglect the use of the hot and cold bath.

i. Attached to every large manufactory where files are cut, there ought to be a large room, supplied with hot and cold water, where the men could wash themselves, and change their dress.

The treatment of lead poisoning admits only of the passing remark, that purgatives, an enema, opium, and hot baths, are among the most useful remedies; and, that the dropped wrist requires to be supported on a splint. Counter irritation and galvanism will be

acquired. M. Duchenne has pointed out the importance of applying galvanism, not generally to the arm, but more especially to the muscles affected; which, in these cases, are most commonly the extensores digitorum, and not the lambricales nor interossei; hence, why the first phalanges only cannot be extended, whilst when these are supported, the second and third phalanges can be voluntarily raised without difficulty.

I hope most sincerely that thousands of my fellow-townsmen, when these remarks are made public by the press, will seriously consider what I have stated, and what I am certain every physician and surgeon of experience will confirm. The means of prevention may be considered too simple, or trifling; but, by these, and a free use of soap and water, how much of pain, of sorrow, and of wretchedness to themselves and their families, might the file-cutters of Sheffield avoid.

Grinders are divided into three classes:—1. Dry grinders, using only the dry stone. 2. Mixed, or those who partly grind on the wet, and partly on the dry stone. 3. Wet grinders. The grinder carries on his work in a building called a wheel. The first steam-grinding wheel was erected in 1786, when grinding became a separate branch of trade.

At the present time there are about 164 wheels in and near Sheffield. Of these 132 are steam, and 32 water wheels. There are 8 water wheels on the Sheaf, 2 on the Don, 7 on the Porter, 6 on the Loxley, 8 on the Rivelin, and 1 at Whirlow.* In each wheel are a number of rooms, which vary in size and the number of grindstones they contain. In these the grinders work. As a general rule, wet grinding, and the heavier branches of the trade, are carried on downstairs; and the lighter branches in the rooms on the upper stories. There are, however, many exceptions to this rule; and it is no uncommon circumstance to see wet and dry grinders working in the same room. The heavier branches of grinding include saws, scythes, table knives, machine knives, edge tools, files, &c., &c. The lighter branches are, spring knives (pen and pocket knives), razors, scissors, forks, spindles, needles, &c., &c. Needle grinding is principally carried on at Hathersage, a village some few miles from Sheffield. A considerable number of men are employed in grinding glass.

The rooms in which the grinders work in the various wheels are called "hulls," the literal meaning of which is a stye. A visit to many of these places would convince you, Sir, and every member of the National Association for the Promotion of Social Science, that a more happy or appropriate appellation could not possibly be selected. In each room are placed a number of "trows" (troughs), more or

* This may not, possibly, include every wheel—as many old houses have of late years been devoted to this purpose. It is hardly necessary to state that, in sanitary and other requisite requirements, many of such places are totally unfitted for grinding.

less, in proportion to its length. Some rooms will have ten, some not more than two or three. The trough, which is made of cast metal, is received into the floor of the room, and contains the water in which the grinding-stone revolves. When the stone is run dry, the water is removed from the trough. Each trough has several divisions—one for the stone, one for the glazer, the lap, and the polisher.

The glazer is a wooden wheel, which varies in size from four inches to four feet in diameter: it is covered with leather. This is "dressed" over with glue and emery; and when this application has set, the surface is rubbed with emery-cake, which is a composition of emery, suet, and bee's-wax.

The lap is a wooden tool faced with lead, on which the sides of pen-knives, the sides of razors, and the flat sides of the better-finished scissors are rubbed, to give them a flat surface. The effect of this will at once be evident to any one who has a first-class Sheffield knife, on comparing the pen with the pocket blade, or a razor with a table-knife.

The polisher is placed at the back part of the hull. It is smaller in size than the wooden wheel already described. It is covered with leather, and made to revolve much more slowly than either the grinding-stone or the glazer. If it revolved rapidly, the blades either of the knives or the razors that were undergoing the process of polishing, would become heated, and the fine temper of the steel destroyed. Although the glazer revolves with no little rapidity, the paste with which it is covered prevents this effect. A dry powder, called by the workmen "crocus" (an oxide of iron), is used for polishing. Boys, who are apprenticed but too frequently to the lighter branches of the grinding trade at from nine to twelve years of age, are first put to polishing the different articles. I found a boy at work in a wheel last week, engaged in polishing, aged only seven. In my visits to wheels, I have frequently met with young boys with coughs, shortness of breath, and lungs extensively diseased, who have never ground, but who have been injured by this process of polishing, about which I shall presently have some remarks to make.

The Drum.—In the back part of each room is a drum, or wheel of large dimensions, which is set in motion by the steam-engine, and to it the grinding-stones, glazers, and polishers are attached by the "wheel-bands," which are broad leather straps. The connection between the different wheels and the drum can be effected or discontinued in a moment, with the utmost facility, by putting the bands on or off. Every drum ought to be protected by a rail.

Grinding stones.—A large portion of the grinding stones are brought from the neighbourhood of Wickersley and Dalton, a few miles from Sheffield. The whitening stones, used for smoothing articles before glazing, are brought from the Brincliffe-edge Quarries, about a mile from the town. In grinding a razor, both the dry and wet stones are employed. I will, therefore, describe the process of making a razor, in order to show the effect this trade has on the health and lives of those employed.

The razor is first forged out of a bar of steel. It is then sent, whilst in a soft state, to the grinder, who shapes it on the dry stone into the required pattern. After the razor has been "shaped," it is returned to the forge to be "file cut" and "marked;" the mark stamped upon it is very frequently that of some distant firm, it may be in Glasgow, London, or some other town. The razor next undergoes the process of hardening and tempering; after which, it is once more brought to the wheel, and ground to an edge on a wet stone. It is then "lapped," on a tool the exact size of the stone on which it has been ground. The back and end of the tang is glazed. The whole blade is then wiped very clean, and highly polished with crocus. It is now sent to the hafter, who places it in the scales (handle). The razor is then made ready for use by being "set" or sharpened.

In order to find out the exact quantity of steel dust of necessity created by the first process a razor undergoes on the dry stone, Mr. John Wilson (a very well-educated and most intelligent pen-blade grinder, and for whom I have personally the highest respect), in himself a living example of what a grinder ought to be, and what he might be if he would, and who has worked for many years for the celebrated firm of J. Rodgers and Sons, cutlers to Her Majesty, made, at my request, the following experiment, the result of which is shown in the annexed table.

Table showing the weight of a dozen razors in the different stages of their manufacture.

Shape of Razor—Quill Backs.

	Weight. lbs.	oz.
12 Razor blades forged in the rough	2	4
12 Razor blades, shaped	1	15
12 Razor blades, finished	1	10

Loss in shaping, 5 ounces per dozen, principally on the dry stone.
Loss in grinding on the wet stone, 5 ounces per dozen.

Shape of Razor—Swaged Backs.

	Weight. lbs.	oz.
12 Razor blades, forged in the rough	2	0
12 Razor blades, shaped	1	15
12 Razor blades, finished	1	8

Loss in shaping, 6 ounces per dozen (dry).
Loss in grinding, 2 ounces per dozen (wet).

In shaping a dozen large razors on a stone seven inches in diameter, the stone would be reduced nearly one inch.

To grind a razor to the proper shape, great friction is required; razor backs are for the most part round, and the pressure during the shaping is so great that no wet stone could maintain the rolling friction; the stone would soon become uneven like a hammer-stone, and so pulverised that after shaping four or five blades the workman would be unable to hold the blade on the stone. Forks, razors, table knife-bolsters, scissors, shanks, and needles, undergo the rolling process, and consequently require the dry stone. Spring knives, five and twenty years ago, were ground on a dry stone.

This process has been superseded, and these knives are now, I am

happy to say, all ground on the wet stone, which is made to revolve with great rapidity. In shaping razor-blades on the dry stone, a number of red-hot particles of steel fly about in all directions. From these "motes," as they are called by the grinders, the eyes were at one time constantly injured, and in some instances permanently lost. This danger is now obviated by wearing large spectacles of ordinary window-glass. The protection they afford is obvious, for on examination, after they have been a short time in use, the glasses are found spotted all over by the sparks of heated steel. But even this precaution is not taken by all; a razor-grinder told me, only last week, he did not use the "specs" because his eyes were so good.

It is in dry grinding that the workmen are exposed to by far the greatest danger. The dust which is created by the stone and steel fills the room in considerable quantities, and when grinding scissors or forks two or three deep without a fan, those who sit behind throw a large quantity of dust on those who sit in the front. But it is not only in grinding that dust ascends. Much of the evil resulting from the trade of a grinder, and this remark applies alike to dry and wet grinding, proceeds from "hanging" and "racing" the stones.

The stones are received at the wheel from the quarry in a rough state. The grinder first drills a hole through the centre, and fixing it on the axle places it in the trough. It is then made to revolve slowly, in order that the steel which is used in the process of racing may bite. With this bar of steel the asperities of the stones are removed, and their surface rendered level and smooth. During the operation, which frequently lasts half an hour, the rooms are unavoidably filled with dust; the dust also arises in dense clouds when the sides of the "trow" are swept after the process of racing is over. It is easy to protect the nose and mouth with a light handkerchief during this process; but the precaution is seldom taken. On my asking a file-grinder at the Union Wheel a week or two ago, when collecting materials for this paper, and who I found racing a stone and covered with dust, why he was thus exposing himself to causes certain to induce a disease that would quickly bring him to a miserable death, he replied, "we know all about it, Doctor, but we never give it a thought." Much dust also arises in glazing and polishing; the amount will depend in some measure on the nature of the glaze used. The glazing of forks is the most injurious. Almost all the grinding stones are now fitted with plates and screws, instead of, as formerly, only with wedges. The number of accidents from the breaking of the grinding-stones are, at present, much less frequent than when the old plan was in operation. The saw-grinders at one time were often very seriously injured from the breaking of the stones when they were at work. The large size of the stones, and the weight and length of many of the saws they have to grind, will easily account for this branch of the trade being more dangerous, from the breaking of the stones, than when the articles are smaller and lighter.

It has been intimated already that grinders may be divided into dry, wet, and mixed. Forks, needles, brace-bits, and spindles are

ground entirely on the dry stone; and, in addition, table-knife bolsters, shanks, shaping razors, "humping" scissors, &c., &c., all require the dry stone to be employed. Some trades never use the dry stone: for example, saws, files, sickles, table-knife blades, edge-tools, scythes, &c., are only ground and glazed. There is also a numerous class of grinders who work for the most part on the wet stone, and who are employed in grinding engineers' tools, engravers' steel-plates, hammers, fenders, fire-irons, stove-grates, busks for stays, candlestick-bottoms, nippers, garden-shears, hoops, &c.

Fork-grinders work on a dry stone, and their calling is perhaps more destructive than any of the grinding trades. The present number of men employed is about 150. Personal inquiries at the various wheels induce me to conclude, the present condition of these men is no better than when a fork-grinder told me, some years ago, "I shall be 36 next month, and you know that is getting an old man at our trade;" and when I found the average age of the men only 28. Individual instances may be found of fork-grinders much older than this man; but it is, nevertheless, an undoubted fact, that many fork-grinders miserably perish before the age of 30. Take, for example, a boy of 10 (and at that early age many of them go into the wheel), at the age of 21 his expectation of life, supposing he continue to work at his trade without a fan, would certainly not exceed 14 years. Now, at 21, the probable expectation of life is 39 years; so we see, that these unfortunate men are exposed to influences which rob them of 25 years of existence—to that extent deprive their wives and families of the benefit of their labour, and fill the union poors'-houses with widows and fatherless children. There is no more melancholy object than a fork-grinder, looking prematurely old, and dying from the dust inhaled in his trade—no object more deserving of our pity, as we see him often crawling to his hull to labour, when altogether unfitted by the grinders' disease for his calling—"his poverty and not his will consents." In this condition, a day or two in a week, he grinds for a few hours; inhales additional dust, and in order to obtain bread, increases the disease which already is rapidly destroying him.

Razor grinders.—From the statements published a few weeks ago by the Committee of the Razor-Grinders' Union, it appears there are 290 workmen employed in grinding razors, and 81 boys under 21.

Ages.	Persons.
21 to 25	83
25 to 30	57
30 to 35	36
35 to 40	35
40 to 45	29
45 to 50	29
50 to 55	9
55 to 60	8
60 to 65	3
65 to 75	1
	290

The above table may be left, without a word of comment, to tell its own tale.

Scissors-grinders.—These men work partly on a wet and partly on a dry stone. The most destructive part of the work of a scissors-grinder is when giving the rounded form to the blade, and which is called humping.

There are at the present time about 250 men employed in this calling. Some years ago, I found the average age of all then living to be 32. A few weeks ago I visited 86 scissors-grinders when at work in the different hulls. I took down the age of each man at work, and found the average to be only 31 years. I took, the same day, the average of 40 razor-grinders, and found it only 31 years and six months. These men were at work on the dry stone, and a majority of them either had no fan, or a fan that was almost useless. Others had a fan, and were working with dry grinders who had no fan. One man with a good fan was humping scissors, but received the dust from a grinder on either side of him who was shaping razors.

File-grinders use only the wet stone. 250 men are at present employed.

Saw-grinders employ the wet stone. There are at present 220 men and 60 boys.

Table-blade grinders are not so numerous as a few years ago. Many have gone to America; and, from the low prices obtained, few boys have been apprenticed. At present there are 660 men and 170 boys.

Spring knives,* 650 men and 200 boys have been returned to me by the Secretary of the Union, as the number at present engaged in this branch of grinding.

Saw-grinders (wet), 220 men, 60 boys.
Scythes (wet), men and boys, 60.
Sickles (wet), 72 men, 30 boys.
Edge-tools and wool-shears, 320 men and boys.

If to these we add the grinders of surgeons' instruments, engineers' tools, jobbing grinders, needle-grinders, &c., it will be found that, in and out of the different unions, there are 3,090 men, and 1,073 boys —total, 4,163 men and boys employed in grinding, dry, wet, and mixed. I have tested the accuracy of my former return sufficiently to say, that still the average ages of all the fork-grinders living does not exceed 29; scissors-grinders, 32; edge-tool and wool-shear grinders, 33; table-knife grinders, 35. The ages of all the razor-grinders have already been given. I regret to be obliged to say that there is but too much truth in the remark once made to me by a

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* When my book was published, in 1857, on the grinders' disease, I returned 685 men and 600 boys, under spring-knife grinders. Mr. Broomhead, the Secretary to the Union, informs me, that of late years only grinders' sons have been allowed to enter the trade; hence the diminution. The same remark will apply to others of the grinding trades.

young man aged about 26, a fork-grinder—"he reckoned in about two more years at his trade he might begin to think of dropping off the perch;" adding, "you know a fork-grinder is an old cock at 30." On taking down the ages of all the grinders, wet, mixed, and dry, at one of our largest wheels, I found the average 34; boys under 21 were excluded from this calculation. There can be no difference now; all the same adverse influences are still in operation, and sickness and premature deaths will continue until the causes producing them are removed. Taking the returns of the ages of grinders who had died at some of the wheels, from their club books, I found it to be 43, 40, 40, 41, 38½. Taking the deaths at the wheel of the Messrs. J. Rodgers & Sons, for some years past (1850 to 1865, wet and dry grinders), the average age was 49—of the dry grinders only 43. At the Union wheel, from 1859 to 1864, the return, including wet and dry grinders, shows the average age at death to be only 46. But even these death-rates may mislead us, if we do not remember that both these wheels are first-class, and that, as a rule, it is only the more prudent and better class of grinders who belong to such provident societies.

Men who work in the country, as a rule, are more healthy than those who grind at the wheels in the town; and as a body, they are more temperate. One of the most healthy branches is saw-grinding. Many saws are ground at the water-wheels on the picturesque streams around Sheffield; and, as a rule, the men have not to work so many hours a day as at some of the other branches. Again, the trade is too heavy to admit of boys coming into it at a very early age. No boy is recognised by the Saw-grinders' Union under the age of 14. The men stand at their work, and, consequently, the lungs are not so compressed as when the grinder, sitting on his horsing, bends forward for many hours each day, in other branches of the trade about to be described.

The cause of this disease is first, the irritation produced by the metallic and gritty particles inhaled in grinding, and also in "hanging" and "racing" the grinding stones; and next, the constrained position in which they labour, and which is unfavourable to the free action of the respiratory organs; to this must be added, the working for many hours in a badly ventilated room. When at work, the grinder mounts what he calls his "horsing." This is a low, narrow, wooden seat. His elbows rest upon his knees, and his head, particularly when employed on very small articles, is bent over the stone. This position is a very injurious one, and when long continued, is calculated, unquestionably, to induce pulmonary congestion. In many of the branches—table-knife grinding, for example—the men often work, in the coldest weather, very thinly clad; their handkerchiefs off, their shirts open, and their chests fully exposed; and this, too, in a room every bit of glass from the windows of which has been removed, that the light may not be obstructed by the splashing of the dirty water from the grinding stones. The floors of such hulls are generally of mud, and always wet, dirty, and uncomfort-

able. The men perspire freely at their work, and in this condition often leave the hull, and, without putting on additional clothing, lounge about the yard in the open air, even when the weather is very cold. Inflammation of the lungs, pleurisy, rheumatic fever, and diseases of the heart are not unfrequent among them. I have seen many young boys suffering from grinders' disease, arising from the dust inhaled in polishing; and in dry grinders, very often before the age of twenty, evidence is present of the existence of this fearful affection.

I had a patient at the Public Hospital, last week, a grinder, aged twenty-two. On inquiring what was the matter with him, he said—"I grind razors, and have got what I shall never get shut on" (rid of). He began to work at eleven years of age, and never used a fan. Both lungs were affected by the grinders' disease, but not nearly to the extent I have seen them, even in younger men than this poor fellow.

At the commencement of the disease the breathing is difficult; more particularly when walking up a hill, going upstairs, or ascending the steps leading to the upper hulls in which they work. At this early stage, the shoulders are often elevated, in order to relieve the distress occasioned by shortness of breath. The disease quickly increases; and day by day makes certain progress in all dry grinders, working without the protection of the fan. The digestive organs become impaired, the breathing is more and more short and oppressed —the face has a dirty white aspect—the countenance is indicative of much suffering—he stops to cough in the street as he crawls to his work—supporting himself against the walls. They all complain of a dry sensation in the throat and tell you "they feel screwed up" and that something is so tight across their chests they cannot breathe. The cough is at first dry, but after a time there is good deal of expectoration which at first is frothy, and indicative of irritation. If asked by my medical friends to give them a brief *resumé* of the physical signs of the Sheffield grinders' disease—I would say—those of bronchitis, and dilated bronchi in some cases—in others, of emphysema or of consolidation, and, lastly of excavation. I have had several photographs prepared by Mr. Caloe of some sections of the lungs of those who have died from grinders' disease. Also some drawings of the sputa in wet and dry grinders under my care, as seen by the microscope, and which Mr. Tuffin West has made for me. (Some beautiful illustrations were handed round for the inspection of those present.) And now, I come lastly to consider how this terrible disease may be prevented.

This disease was formerly almost unknown, and for this reason: until the year 1786, when the first steam-wheel was erected, grinding wheels were built upon the banks of rivers in and near Sheffield; and water being the power employed, it will at once be obvious that the grinder would have many interruptions to his trade, and that to grind day after day, as the grinders now do, was then impossible, and many of them were makers as well as grinders of cutlery. Nor

was this all. By the old regulations of the Cutlers' Company, passed in the reign of Elizabeth, it was provided—"that no person engaged in the said manufacture, either as a master, servant, or apprentice, shall perform any work appertaining to the said science or mystery of cutlers for eight and twenty days next ensuing the 8th day of August in each year; nor from Christmas to the 23rd day of January, upon pain and forfeiture, for every offence found and presented by twelve men of the said fellowship, of the sum of twenty shillings. No person occupying any wheel for the grinding of knives to allow of any work being done during the holiday months: penalty as before." When grinding became a separate branch of trade, the hours were no longer limited, and then it would appear the fearful effects, on the animal economy, of constantly inhaling particles of steel and grit day after day, began to develope themselves. This then leads me to a first practical suggestion for alleviating the condition of the grinders, viz., to diminish the hours of labour; and the most effectual means to do this is to abolish "saint days," as the first days of the week are called by these men, and which are spent by but too many of them in drunkenness and intemperance. What is the result? They crowd into three or four days the labour that ought to be distributed over the whole week, and many soon find, to their cost, the folly of such proceeding. It is a notion in some of the hulls that a drunken grinder often lives the longest. This is a very great mistake. Intemperance has hurried hundreds of these men into their graves. I almost invariably find that, so soon as the liver becomes affected, the chest symptoms are aggravated; and that when the liver fails to discharge its functions, a comparatively slight amount of disease in the lungs of the grinder, will cause far more distress and difficulty in breathing than even in lungs more extensively diseased, when this organ acts properly. By limiting the hours of labour, time would be afforded for out-of-doors' pursuits, for exercises which would bring the different muscles of the body into play, and prevent, especially in the young, some of the effects which result from bending over the wheel when at work. I have had to-day in my study, Mr. Samuel Sharpe, a razor-grinder, at the union wheel; he is now 48, strong and healthy, he has never suffered from the grinders' disease, he began to work at eleven, and he justly expressed the opinion that "grinding takes most hold of young boys." Mr Sharpe has always used a fan, and will not work in a hull with dry grinders who are not so protected. He does not believe in "saint days," and works, on an average, about 38 hours a week. It would be well, therefore—1. To limit the hours of labour, both in boys and men. 2. Wet and dry grinders ought on no pretence to be allowed in the same hull. After what I have already said the reason for this will be too obvious to require any additional remark. 3. To oblige the owners of all wheels to provide a fan for every dry grinder, and to see that this fan is always kept in proper working order. On this point I wish to make a few observations, to which I invite the serious attention of all who may hear or read what I have to say in support of

this, to my mind, absolutely necessary requirement. I propose that the owner of the wheel, and not the grinder, should provide the fan, and see that it works properly. If the grinders are left to provide it for themselves, so reckless of life, so careless and indifferent are many of the fork, scissors, and razor-grinders, that I am certain they will never provide it for themselves. Let me give some evidence in proof of this. In one hull I found a man shaping razors, with a first-class fan. There was much dust—the fan was not working; he had not taken the trouble to affix the band; and that necessary act would have taken perhaps half a minute. In another hull, a scissors-grinder had a good fan, and spoke to me of its "wonderful advantages. . . . If they cost a hundred times as much as they do, they are worth it; no dry-grinder can live without them."—And yet this man permitted razor-grinders to work without a fan on his right hand and on his left, and to cover him with their dust. In another hull, in which five dry-grinders were at work, the fans had not been used for three weeks—the wheel-band was wrong; and yet these men went on destroying themselves, rather than do to the wheel-band a quarter of an hour's work—all that was requisite to set the fan in motion. A most intelligent scissors-grinder, Mr. Wreaks, who has now left the trade, at which he began to work when only nine, told me that "he always used a fan." He once offered to five scissors-grinders who worked in the same hull with him, to put up a fan at his own cost, and to take the price of it from each by instalments of one shilling a-week. They one and all refused his kind offer. I found hull after hull, in which scissors, razor, and fork-grinders are now working (September, 1865), without fans,—some are working in a very confined space without them, two and three deep. One man, a scissors-grinder, told me, "it was not worth while to get one for the bit of time he should have to live." I only found one fan in all the hulls I visited attached to the polishing machinery. I think, that where polishing is carried on, a fan ought always to be in use. I visited one hull, in which an intelligent man at one end had put up a fan for each "trow," and for which he charged each fellow-workman a penny a-week; the man working next to him had paid his penny for the fan, but having been too idle to fix a box, it was useless. Others I found with a fan fixed, but not at work, because "they did not like the noise;" and I have many times been told by dry-grinders, "the trade was full enough as it was, and that if the men lived longer, it would be so full there would be no getting a living at it." What can I say to such men—to dry-grinders working without a fan? Why this, if ever there was a trade more poisonous than the fabled valley of the upas—more slow in its effects, it is true, but equally deadly with the inhaling of the atmosphere of the celebrated Grotto del Cani, it is that of a fork, a razor, or a scissors-grinder, who works without employing the effectual means for his preservation which the fan affords; if bent on destroying yourselves thus recklessly, have the honesty to prevent others, the poor little boys, many of them your own sons, from entering the trade

without a warning. Write, therefore, over the doorway leading to your infernal hulls—"We do not use the fan; and without this protection your destruction, after a few years' misery and suffering, is certain." The entrance to a dry-grinders' hull, without a fan, I say emphatically, is unmistakably the gate that leads to certain death!

A good fan will cost from £1 10*s.* to £3, or £5, but, after what I have stated, I think all present will agree with me, that the owner of the wheel must be by law compelled to provide a fan as an absolutely necessary portion of the machinery of a wheel where dry grinding is carried on; and that he must be held responsible for having this fan always at work and in proper order. A small additional sum could be added to the weekly rent of the hull; which would not exceed one penny.

The fan is on the principle of a winnowing machine, and with a flue properly constructed, leading from each of the different stones in each room, the dust can most effectually be driven out of it, and both the particles of grit and metal which arise in grinding, and the dust created in glazing and polishing, removed. I went last week into one of the rooms used for razor-grinding at the wheel of Messrs. J. Rodgers and Sons, where many men were at work shaping razors; there was no dust, nor was I inconvenienced in the slightest degree during the half hour I remained. Had the fan not been at work, I know by experience that I should soon have felt most uncomfortable. One of the men told me the wheel had been "lame" for three weeks (*i.e.* not at work), and he had been working at another place without a "fannie," and felt so bad at his chest that he was glad to get back to his own "trow" again. He never felt bad there.* At the Soho wheel, and at the Union wheel also, and, I may add, at many other wheels, I have seen the fan at work with the happiest effects, and in the next room I have seen a set of reckless fools destroying themselves because they would not use it. Many years ago, the late Mr. Trickett, at the Union wheel, showed me how the different processes could be gone through without injury to the grinder from the dust; and at the Soho wheel I saw that shaping razors and even racing a stone, by adding a properly contrived box, could be rendered perfectly innocuous by the use of the fan; almost all the dust being driven off the fan up a shaft on the outside of the building. The particles of dust and steel not carried away by the fan, in "racing" a stone, may be prevented from entering the air passages by tying, as all intelligent grinders do, when performing this work, a light handkerchief over their nose and mouth. That these fans, or "fannies," answer perfectly well, I have convinced myself by repeated experiments, and by the testimony of every dry-grinder who uses them.

To prevent the grinders' disease I am therefore of opinion—1. That the hours of labour should be reduced. 2. That wet and dry

* The Messrs. Rodgers provide the fans free of charge, and will not permit dry grinders to work without them.

grinders should on no pretence be allowed to work in the same room. 3. That the owners of wheels should be compelled to find fans for all dry grinders. 4. That all wheels should be put under proper inspection, properly ventilated* and kept clean, the rooms built of a sufficient height with enough space for each man, and every wheel properly provided with conveniences, the want of which at present—or the substitutes for which at many wheels—is a disgrace to the civilisation of the nineteenth century, and in a sanitary point of view a great evil. No floor should be of mud. Where wet grinding is carried on the floor should be flagged with a sufficient incline to let the water run off.

Let me read what I wrote in 1867. To send a boy at eight or nine years of age into a grinding hull is an act of refined cruelty which the powerful arm of the law ought to restrain. The application of the Factory Act to the grinding trades of Sheffield would in my opinion be most wise and salutary. These helpless children I would indeed commend to the protection of the State; and glad indeed shall I be if these remarks attract the eye of any member of the House of Commons, and induce him to bring the question before Parliament; or, if the evils, religious, moral, and physical, under which these poor boys are suffering, lead the inhabitants of Sheffield to petition the Legislature to cast around them that protection which they have not at present. Such was the opinion I published in my work on "The Causes, Prevention, and Treatment of the Sheffield Grinders' Disease," eight years ago. I repeat that opinion now, and right glad am I to see it in every respect confirmed by the evidence collected by Mr. White, and by the recommendation made to Her Majesty by the Children's Employment Commission. The early age at which these boys are sent into the grinding hulls, by parents who seem only to regard their children as machines to add to their weekly income, by making them work as soon as possible, enfeebles them in mind, and renders them dwarfed, decrepit, and often deformed in body. Prematurely used up—their spring of life exhausted, too often they never arrive at manhood's summer. It is impossible, under such circumstances, to give these children that general education which they require—that general training and religious instruction which it is the duty of the State to see extended to all classes in a Christian land. And so we go on in Sheffield, "like clings to like the whole creation thro'"—one generation passes away ground off in the wheels—but another comes like in ignorance, like in intemperance and folly—the children of to-day are the types of the fathers of yesterday; they have come into the world without

* Ventilation of the wheels. The hulls cannot be constructed with windows before and behind the grinder as has been suggested. The light at his back would interfere with his work. Ventilation, however, could be provided by gratings at the back of the hull. The fan also, when at work, powerfully assists ventilation. Too commonly the grinders regards the hull as "only a place to work in," and take every care that it shall remain, as the word implies, a stye.

God's blessing, in the homes where but too often their parents have left it without a hope. Without education, without moral or religious training, these children are compelled at ten or eleven years of age to work in the hulls, and there we see them, rocked by the cradle into a maturity of vice, and their education completed by the conversation of older boys and men, whose every breath is an offensive expression, or an oath; and who appear to be suckled in sin, cradled in profligacy, and catechised in blasphemy. Are not these children worthy our consideration—children who but too often never hear afather's loving voice, and but too often never know a mother's solicitude.

> "Where shall their hope find rest—no mother's care,
> Protects their infant innocence by prayer:
> No father's guardian hand their youth maintains;
> Calls forth to virtue and from vice restrains."

Surely these facts have been unknown to our philanthropists, otherwise we should long ago have heard of the mission to the grinding wheels, and of sermons and collections for the preachers at the hulls. "Is it nothing to you, all ye that pass by?" These evils are at any rate known now, and until steps are taken to remove them I trust in future no Sheffield guinea will be diverted from its proper course. Even the grinders themselves are becoming aware of these enormous evils. The Saw Grinders' Union does not now recognise boys under the age of 14; and at the next general meeting of the spring knife grinders, the secretary of that union informs me the question will be considered of preventing boys from coming into the hulls at an early age. To my fellow townsmen, the file-cutters' of Sheffield, who neglect those sanitary regulations so requisite for health, who eat their dinners without washing their hands, who dip their dirty lead-begrimed fingers into the salt, and who wear the same clothes in the workshop and out of it, to the dry grinders who work without the protection of a fan, and also to all artisans who lead intemperate lives, I say, "turn ye, turn ye, why will ye die?" I can only hope that the preventing boys from entering the grinding wheels at the early age, now so common, and the better education the coming generation must receive, will make men understand more fully their duty to themselves, their neighbours, and their God; and lead them to realise that whatever may be our station in life, we have each and all of us a duty to perform. I ask them carefully to consider the advice I have ventured thus plainly to give them, satisfied that if they adopt it, they will one and all of them be convinced, in the language of the immortal dramatist—

> "I am not an impostor that proclaim
> Myself against the level of mine aim;
> But now I think, and think I know most sure,
> My art is not past power, nor you past cure."
> "*All's Well that Ends Well.*"

CONTAGIOUS DISEASES.

Quarantine and the Cholera, with special reference to the present Epidemic in the Mediterranean. By GAVIN MILROY, M.D.

THE Association having taken so prominent a part in the investigation of quarantine, through the committee which was appointed at the Annual Meeting in Liverpool, in 1858, and which continued its labours till 1861, it seems but right that the attention of this Department should be drawn to the subject at the present time, when its operation is being felt in all the countries bordering on the Mediterranean, and as this operation will be still more widely felt if the cholera extend to other countries.

It may be remembered that the circumstance which led to the institution of that committee was the then recent outbreak of a malignant fever, having many of the characters of the Oriental plague, at a point on the Eastern Barbary coast, not far from the town of Benghazi. The disease, it was afterwards found on inquiry, had been existing for a great many months, among the wretched and famishing Arab population of the district, without any special notice having been taken of it; and it was only when the dreaded name of the plague began to be given to the fever, which hitherto had been regarded as typhus, that all the complex machinery of the quarantine system was immediately set in action, not only throughout the entire extent of the Mediterranean, but in the oceanic ports of Spain and Portugal, and even as far as St. Petersburg, and other Russian ports in the Baltic. The system, in all its rigour, was kept up for many weeks and months. The disease never extended beyond the district where it first broke out, nor affected any persons there but those who were living in squalor and want. It was a purely local outbreak, and ceased when the people were moved out of their filthy dens, and were duly supplied with food. Not even a trace or suspicion of the distemper was ever seen either in Alexandria or any other place on the coast of Africa, or in the hundreds and thousands of vessels that were subjected to a more or less lengthened quarantine detention, throughout the entire extent of the Mediterranean sea-board.

On the present occasion, the danger against which quarantine has been, and is being, directed, is much more formidable, alike from the already wide spread of the cholera, and the extreme malignity of the disease wherever it has appeared. If quarantine can preserve a country from the invasion of such a scourge, it is clearly the duty of every enlightened government to enforce its vigorous adoption, whatever may be the cost incurred, or the inconvenience and loss inflicted on individuals or on commerce. *Salus populi suprema lex* will unquestionably hold good, in the judgment of wise men, in such matters; and as the subject is, unquestionably, one of the most

important with which State medicine has to deal, its consideration appears to me to be peculiarly suitable at such a meeting as the present; for it is eminently a social question, and pre-eminently an international one. Moreover, it is one of those mixed questions on which laymen may fairly judge of the value of the evidence on which the system rests, nearly as well as medical men; and it is very certain that no satisfactory solution of many of the controverted points relating to it will ever be come to, until enlightened public opinion is brought to bear upon this investigation.

Fortunately, the subject has recently been attracting a good deal of attention in several foreign countries; and it is likely to attract still more throughout Europe, since the institution of those annual international gatherings, on the plan of this Association, in different leading cities on the Continent. At the meeting of the "Association Internationale pour le progres des Sciences Sociales," last year, held in Amsterdam, it formed one of the questions set down for special consideration in the Public Health Department; and it was mentioned at the *séance*, when the subject was discussed, that the Dutch Government has lately had it under their consideration.*

I wish, *in limine*, to state that the object of the present paper is simply narrative and historical, viz., to record, from the imperfect means of information at command, what has hitherto taken place throughout the Mediterranean; and then briefly to compare some of the recent circumstances and results with what occurred in former epidemics of the pestilence—chiefly with the view of keeping public attention to the subject, and of inviting all, and specially medical men, to follow the devious course and progress which the present epidemic will yet in all probability pursue (it may be this year, or it may be next year) in countries yet unattacked; and to watch the results of the measures, adopted in each, to avert or exclude the scourge from their peoples. Hitherto, far too little profit has been gained from the experience of former visitations, in the way of guidance for the future. When the danger is past, all is forgotten; the next visitation is left to care for itself; and then the very same things are done, and the same efforts are made, and the same anxiety and panic incurred, with little or no regard all the while to the teachings of the past.

One other prefatory remark. Let the true and real nature of quarantine, or, in other words, its interpretation in practice be steadily borne in mind, whenever the subject is spoken of; for much, very much, of the error and controversy about it, even in the writings of medical men, is owing to the want of a clear definition of what is meant by the term. It is not, as we shall presently see, the mere detention of sick persons, or of sickly ships, arriving in a port hitherto exempt from the apprehended disease, and the segregation and purification, during an allotted time, of such sick persons or

* I had the honour of being requested by the Council of the Association to read a paper on the subject; it is printed in the "Annales de l'Association," &c., 1865.

ships. But it is the detention and segregation of all persons, and of all vessels, coming from an infected place, whether or not any sickness whatever has occurred on board during the voyage, or exists on board at the time of arrival; the theory being, that the persons or ships, although remaining healthy themselves, may yet hold and bring with them, in some way or other, the disease, in a latent or undeveloped state. I would again state, that it forms no part of my present paper, nor comes within its scope, to enter into any discussion of this or any other theoretical topic of the subject. All who may be interested in the inquiry, I would beg leave to refer to my former papers in the *Transactions* of this Association, and to the report of the committee already mentioned.

The earliest acknowledged cases of the epidemic in Alexandria occurred in the second week of June; but whether these were really the first instances which had been seen, and whether there had been any peculiarity in the antecedent state of the public health indicating the advent of the disease, we have at present no means of accurately determining. That the cholera had been previously prevailing at Mecca, and at other points of the Arabian peninsula on the Red Sea, is known; but, beyond this single fact, more cannot be affirmed. Considering the season of the year—about Midsummer—a season, too, remarkable almost everywhere for excessive heat, it is more than probable that the development of the cholera on the present occasion, as in former epidemic visitations, was not a sudden or unheralded event, but had been preceded, for some time, by the prevalence of diarrhœal and other intestinal affections among the lower classes in Alexandria, and the other towns and villages in the delta of the Nile which were first attacked. The pestilence seems to have appeared almost simultaneously at several widely-distant points of the country, in that malarious region. Rosetta, Tanta, Damietta, &c., were affected about the same time as Alexandria. The panic soon became so great in the latter city that thousands of the population took to flight, scattering themselves in all directions, and spreading alarm, if not the disease, wherever they went. All the Mediterranean ports had of course resorted, on the earliest intelligence, to the adoption of quarantine restrictions, of greater or less rigour and duration, upon arrivals by sea from Alexandria. The Austrian government was among the first to establish a quarantine upon all arrivals therefrom at Trieste — passengers to be detained seven days in the lazaret, the ship to be fumigated, and goods and letters on board to be subjected to the customary purification of being smoked or passed through water. At Malta, too, similar measures were put in force about the same time; so that the Peninsular and Oriental Company's steamers ceased to have any direct communication with the island on their homeward or return voyage, to the no small inconvenience of a multitude of passengers, as well as to the interruption of considerable commerce. Such persons as were landed—although in health at the time—were confined in the lazaret for seven days, if no sickness had occurred on board during the voyage, and for twelve days if other-

wise. Notwithstanding these precautions, cases of the disease began to manifest themselves in Valetta, in the second and third week in July; few and sporadic at first, and gradually becoming more numerous and widely-diffused, until the epidemic reached its acme about the end of August. Malta, having frequent and rapid communication by steam, as well as by sailing vessels with very many places in the Mediterranean, was treated with extreme rigour by the neighbouring states. In Sicily, an embargo was placed upon all intercourse; so that the commerce between the two islands was all but suspended, to the very serious suffering of the small traders, boatmen, and others, dependent for their means of subsistence on the traffic between them. Such was the alarm on the part of the authorities and others in Sicily, that not only were vessels arriving from Malta, and other infected ports, refused admission into the harbours, although everyone on board was in health and not a case of sickness had occurred on the voyage, but they were warned off the coast, under the threat that they might be fired into, if any attempt was made to land. Many vessels bound for Sicilian ports, in consequence, had to proceed on to Naples, and there remain in quarantine, for five or six days, at the small island of Nisida in the bay.

The state of matters in Malta at the present moment is altogether very strange. Since the subsidence of the disease at Alexandria, the Egyptian authorities have imposed a quarantine of seven days upon arrivals from Malta; and, on the other hand, Malta, although still having the cholera in her midst, imposes a quarantine of ten days upon arrivals from Marseilles, and one of twenty days upon arrivals from Constantinople or Ancona. Most people will be puzzled to understand the meaning of such proceedings. They cannot surely be believed to afford any real protection to health; while they inevitably cause serious detriment to the trade of the island, and a vast amount of vexatious interference with intercourse. The Peninsular and Oriental steamers refuse to land any goods either from Alexandria or from Marseilles; they stop at Malta only to coal. Passengers, if they wish to be landed, must go into the lazaret for the specified number of days.

What quarantine measures had been adopted at Ancona, prior to the severe outbreak there, and what were the circumstances under which the earliest cases took place in that seaport town on the Adriatic, I am unable to say. A great many places on and near to the coast of Italy, from Ancona southwards to Brindisi, have, it is well known, suffered severely; but whether from alleged intercommunication with places previously infected, or quite independently of any traceable communication, there is no evidence as yet to show.

It is worthy of remark, that the epidemic has not spread to the north of Ancona, as it has done to the south, although the circumstances, as to intercourse, have apparently been quite similar. Sporadic cases only have, it is reported, occurred in Modena and its neighbourhood; also in Acqui, and one or two other places in Piedmont; but there has been nothing like an epidemic prevalence in

these districts. Moreover, the disease has not hitherto manifested itself at any point along the western or Tyrrhene coast of the Italian peninsula, from Genoa to the Straits of Messina. At Naples, besides the comparatively mild quarantine by sea—mild as compared with that enforced throughout Sicily, and with that formerly practised under the Bourbon dynasty—a sort of sanitary cordon has been established round the city, as a defence against persons coming from the Adriatic coast: but, in truth, the disease seems not yet to have crossed the Apennines.* Travellers, too, arriving from Rome, and other uninfected places to the north, are said to be subjected to fumigation at the railroad stations outside the city, before they are permitted to enter; but such a proceeding must be rather to humour the prejudices of the populace, than for any expected useful purpose. The present government of Italy are disposed, we believe, to relax much of the rigorous restrictions hitherto imposed; but the ignorant fears of the masses stand in the way. An important fact, worthy of notice, is that in the between 200 and 300 vessels which have, each, been detained for from five to seven days at Nisida, having an aggregate of between 13,000 and 14,000 persons on board, not a single case of cholera is said to have occurred, either on board the vessels, or in the lazaret on shore.

At Rome, the impression appears to be that the baggage of the travellers by land is more liable to convey the poison of the disease than the travellers themselves; for there has been an edict for some time past in force, that "Every traveller arriving at Rome, who cannot prove by authentic documents that he has dwelt for at least fifteen days in a place free from suspicion of the cholera, shall have his baggage transported for purification to the Casino di Papa Giulio, about two miles distant from the gates." This regulation has been adopted, it is said, for the benefit of travellers who, wishing to avoid the quarantine of seven days at Civita Vecchia, prefer to land at Leghorn or Naples, and thence proceed by road to Rome.

Now, leaving Italy, let us follow the epidemic westward, and see what measures have been adopted, and with what results, in Spain and France. And first, of our own important colony, the "Rock," guarding the entrance on the one shore of the great inland sea. At Gibraltar, quarantine was established on all arrivals from Alexandria about the same time as at Malta; and there, too, it has proved unsuccessful as a defence against invasion. The cases which occurred first were solitary, and at considerable intervals; then, as the disease exhibited no tendency to spread, hopes were at one time entertained that it had entirely disappeared, and the town and fort were, in consequence, officially declared to be free from all infection, to the great relief of the bulk of the civil population, whose subsistence mainly depends on the constant traffic with Spain on the one

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* Within a week or ten days of the reading of this paper, the epidemic began to manifest its presence in and around Naples, viz., about the middle of October.

hand, and with Tangiers, and other places on the African coasts, on the other, from which the chief supplies of fresh animal food are at all times obtained.* Nowhere is quarantine blockade more dreaded by the inhabitants than at Gibraltar; and nowhere has greater distress been occasioned by its infliction.†

Unhappily, the subsidence of the disease was only a lull, not a cessation; for, ere long, it again began to develope itself here and there, and to spread more seriously than it had done before. The sanitary cordon now established by Spain to prevent all communication by land was most rigorous, to the serious suffering of her own population, as well as of the inhabitants of Gibraltar, by the suspension of all their ordinary commerce.

In spite, however, of this stringent quarantine, cholera appeared, about the middle of September, in the village of St. Roque, the first border town in Spain, and not above four or five miles distant from the Rock. It had, moreover, broken out about the same time in Seville, about seventy miles off; and cases are said to have occurred in Madrid also, situate in the very centre of the country. But previous to these occurrences, some of the principal seaport towns on the east or Mediterranean coast of Spain had become the seats of the pestilence—as Barcelona, Valencia, Alicante, Carthagena, &c.—at all of which places quarantine had been strictly enforced against arrivals from infected countries. Besides these towns on the coast, the disease had appeared in some places many miles inland. The island of Majorca also is known to have been visited.

It may be mentioned in passing, as an illustration of the working of the system, even in countries where it is most rigorously enforced—and Spain is certainly one of these—that when, in consequence of the strict quarantine established at Barcelona, the regular line of steamers which ply between that port and Marseilles was temporarily discontinued, travellers who would otherwise have gone by sea, continued to pass between the two towns by land all the while, and without any interruption, no quarantine having been established by land. At the present moment (see *Times*, October 2), Cadiz is in the greatest alarm; the quarantine against Gibraltar has been raised from five to ten days, and arrivals by sea may be sent off from the port altogether to a foul lazaretto at a distance—viz., either to Vigo or to Port Mahon—if the governor sees fit. At the same time, private

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* "The Tangier Board of Health has relaxed nothing of its hostile rigour against Gibraltar; and were it not for a chance arrival, the town would be still without provisions from the opposite coast, since no vessel direct from Gibraltar is allowed to load, even under quarantine regulations—a total prohibition of a market which was not attempted in the epidemic of the yellow fever of 1828."—*Times*, Oct. 2, 1865.

† "Quarantine by sea, and the stoppage of communication by land, having put a stop to business, and also to labour, about 2,000 of the working population have, during the last three months, been brought to a state of destitution. A subscription has been raised, and soup-kitchens opened, where about 1,800 people are daily fed."—*Times*, Oct. 20, 1865.

letters state that three fatal cases of what is called sporadic cholera occurred in Cadiz a few days ago.

While Cadiz is taking these precautions against Gibraltar, Lisbon has quarantined the whole of the Spanish coast, from Gibraltar on to her own frontiers, thus including Cadiz among the suspected places.

As to the Mediterranean coast of France, the great seaport of Marseilles, which has such frequent communication with Egypt, appears to have become infected about the third week of July; and the disease seems to have continued in it ever since. There is a great quarantine establishment at the entrance to the harbour, and the French Government professes to carry out with exactitude the recommendations of the International Conference held in Paris in 1851.* More recently, Toulon, as well as several other places along the coast, more especially in a westerly direction, have become the seats of the disease.

I have not yet spoken of Turkey and the adjacent lands, in many parts of which the pestilence has raged with great severity.

Constantinople became infected in the second week in July, immediately after the arrival, it was stated, of a frigate which had come direct from Egypt. The disease rapidly spread from the naval hospital, where the earliest cases are said to have occurred, to both sides of the Golden Horn, finding everywhere, both in Stamboul and Pera, the very conditions, alike of locality and of population, which favour its malignancy and diffusion.

Smyrna, too, began to suffer at an early period. How and when the first cases occurred, we have as yet no means of ascertaining.

The same thing may be said of the many places in Syria and Palestine which are known to have suffered, as Jaffa, Beyrout, Aleppo, Damascus, &c. It is scarcely necessary to add that our information on this head is next to nothing. In all of these places situated on the sea coast, quarantine regulations are professed to be strictly observed.

Several of the islands in the Archipelago, as Cyprus, Delos, and Rhodes, have also been visited; but respecting them also we have no information. The kingdom of Greece is believed to have escaped, although Salonica—the ancient Thessalonica—on the coast of Thessaly or Macedonia, has been the seat of a visitation.

Prior to the appearance of cholera in Constantinople, all vessels arriving from Egypt or the Levant were detained in the Dardanelles for seven days; or, if sickness had occurred during the voyage, for ten, twelve, or fifteen days, according to circumstances, before they were allowed to proceed. Subsequently, when Constantinople became the seat of the pestilence, arrivals therefrom at any of the ports in the Black Sea, and especially at Odessa, the chief commercial port of Russia there, were subjected to very strict quarantine. Notwith-

* A Summary of the proceedings of this Conference will be found in the volume of the *Transactions* of the Association for 1859.

standing every attempt at exclusion, Varna, Kostendjie, and various other places at the mouth of the Danube, and even Odessa, have not escaped. Besides these places on the western shores of the Black Sea, Trebizond, and other towns along its southern coast, have been visited; not to mention some districts lying between this region and the head of the Persian Gulf.

I shall now, after this rapid sketch of recent events relating to the existing epidemic, briefly state some of the leading facts illustrative of the experience, in former visitations, of those Mediterranean countries which have already suffered during the present season—merely premising that the quarantine regulations and practice in most of them have undergone little or no change, during the last thirty years at least. The data about to be given are derived from the documentary evidence collected by the committee of this Association, and will be found in the two parliamentary papers printed by order of the House of Commons in 1861.

Alexandria.—This city has been the seat of repeated visitations; for the first time in 1831, and then in 1844, 1848, 1850, and 1855. At the date of the first visitation, there was no organised system of quarantine in Egypt, or, indeed, in any part of the Turkish empire; it was not established till nine or ten years later. The experience of the last twenty-five years shows how inefficacious it has been, as regards any reliable defence against the cholera.

It deserves to be noticed, in respect of the present visitation of the pestilence, that, as far as we know, it has not yet appeared on any part of the north coast of Africa, from Alexandria and the other seaports of Egypt to the Straits of Gibraltar, including the towns of Tunis, Tripoli, Algiers, Tangiers, &c. At all of these places, especially at Tunis and Tangiers, a strict quarantine is said to be kept up. To what extent, or how often they have suffered in former epidemics, our information is imperfect. In 1850, most of the Barbary Coast was visited; and in that year the town of Tunis was decimated. Algiers was infected in 1854; many then alleged that the disease was brought over from Marseilles and Toulon, during the busy communication then going on throughout France while preparing for the war in the East. It does not seem to have spread to any great extent throughout Algeria. In the present season, notwithstanding the constant intercourse with the south of France, no mention has yet been made of its appearance in the African colony, at least, with epidemic prevalence.

What has been stated respecting Alexandria, is nearly applicable to Constantinople. It has been repeatedly the seat of epidemic visitations from 1831, when it was first attacked and before quarantine was established by the Porte, down to the present year. During 1854 and 1855, when the incessant arrival and transit of ships to and from the seat of war—many of them transports, with sick and convalescent on board—and when, of course, all quarantine restrictions were abolished, Constantinople was at no time, I believe, the seat of any severe or wide-spread visitation.

Malta.—The cholera appeared for the first time in 1837, when various other places in the Mediterranean were infected. Out of a population of about 120,000, more than 4,000 perished. So great was the dread of contagion, that the native medical men refused to approach the sick.

In 1850, the island was again visited. While the disease lasted, a strict quarantine was enforced upon arrivals from other infected places, as Marseilles, Cephalonia, &c.

In 1854 and 1855, when the disease was most widely spread throughout southern Europe, it never became epidemic in Malta, notwithstanding the suspension of all quarantine in consequence of the Crimean war, and the incessant arrival of ships of war, transports, and other vessels from infected ports, often having invalids on board, and the landing of the sick and wounded from the Crimea, then infected with the malady.

Gibraltar.—It was first visited by the cholera in 1834, the year when the disease for the first time appeared in Spain and in Morocco. There was a slight recurrence in 1849, and again in 1854 and 1855, on which latter occasions it prevailed much more severely in the adjacent districts of Spain than on the Rock. The frequent arrival of vessels on their way to and from the Bosphorus during the Russian war, when all impediments to intercourse were of course removed, does not seem to have occasioned any amount of imported disease, or to have injuriously affected the health of the community.

In the year previous to the war, viz., in 1853, Spain established rigorous restrictions against Gibraltar, in consequence, not of any alleged disease on the Rock, but merely because the authorities there were unwilling to keep up a strict quarantine upon all arrivals, whether healthy or not, from England, where a severe outbreak of cholera had recently occurred at Newcastle. The inconvenience and distress occasioned among the population of Gibraltar by this extreme measure was more than once brought before the notice of the House of Commons. The Government, in consequence, sent out at the time the late Dr. Baly, to inquire into the circumstances of the case, and in the hope that the Spanish Government might adopt a more lenient system of sanitary defence. But no practical result followed from his representations.

Spain.—Notwithstanding the vigilance and severity of her quarantine system, Spain has suffered two, if not three, distinct visitations of the cholera. In 1834, almost every great city was attacked, and in most of them with great loss of life. Again, in 1854, and throughout a great portion of 1855, the country was ravaged in almost every province by the pestilence. It was during this visitation, that different towns and districts established strict cordons around any neighbouring towns and districts which had become infected, in the hope of confining the pestilence, and securing themselves from invasion. But such was the amount of distress among the poorer inhabitants, consequent upon this procedure (which, moreover, generally proved of no avail in arresting the progress of the disease), that the

Government forbade its continuance by a royal proclamation, in respect at least of its own population.

Besides these two general epidemics, many of the large seaport towns of Spain suffered from cholera in 1858 and in 1859.

More stringent and severe than even that adopted in Spanish ports, was the quarantine system in the kingdom of Naples under the Bourbon Government. In spite of the Draconic rigour of the regulations, the violation of which was declared to be felony and punishable with death, neither Sicily nor the mainland escaped disastrous visitations of the pestilence, in 1836 and 1837 on the first occasion, and subsequently in 1854 and 1855. Few outbreaks have been attended with more fatal consequences than that of Palermo, in 1837, and that of Messina, in 1855. The city of Naples—and Rome may be mentioned along with it—has sustained two, if not three, distinct epidemics of the pestilence.

With respect to Marseilles, and other Mediterranean ports of France, it appears that they have experienced three, if not four, invasions of epidemic cholera; and the disease has generally been extremely fatal. During the last ten or twelve years, the quarantine system of France has been considerably relaxed, I believe; but it is certain that the more rigorous regulations formerly in force did not succeed in excluding the disease.

The only other country which now remains to be mentioned is Austria, as respects her maritime provinces on the Adriatic.

As far as I am aware, the disease has not yet appeared at any point of her coast, notwithstanding the frequent communication of Trieste with Alexandria by the Austrian Lloyd steamers, and of Venice and various places in Dalmatia with Ancona and other infected places on the Italian coast.* I am unable to give any particulars respecting her quarantine system, or of the results of it in reference to former epidemics of cholera, as Trieste was the only great commercial port in the Mediterranean of which no mention is made in the papers of the committee of the Association, no replies having been received from our consul then resident there.

The preceding narrative, however incomplete it confessedly is, may assist the reader in understanding the nature and working of the existing system of quarantine in the ports of the Mediterranean. It will also enable him to note its effects as a measure of sanitary defence and protection, during a season of epidemic danger. On the one hand, he will observe the immunity hitherto of Sicily, Greece, and the north coast of Africa; and, on the other hand, he will remark the invasion of Malta, many of the ports of Spain, France, Italy, and the Euxine, &c., notwithstanding the vigilant adoption of quarantine restrictions. But it is too early to draw any definite conclusions on the subject. The epidemic will probably not come to an end in the present season, and we must therefore wait and watch its future

* It subsequently appeared that Trieste had not escaped; when the disease first manifested itself there, has not been made public.

history, before we venture to generalise or form a confident opinion. The present paper, as already said, is merely intended to be a narrative of events, and to afford materials for future reference and for the impartial discussion of the question.

Precautions against Cholera. By Henry Jackson.

My object in writing the following notes is to bring before the Association a statement of the preparations which were made (and carried out) in the Sheffield Union, to meet the expected invasion of Cholera in 1849.

The experience derived from the outbreak of cholera in 1832 had been so melancholy, that it seemed desirable that some other means should be adopted for the prevention of the disease, than those which had excited so much consternation in the minds of the people of Sheffield in that year. Amongst these I enumerate the daily publication at the Town Hall of the returns, by which the minds of the people were kept in a constant state of alarm, the passage of flaming tar barrels through the streets—the sight of the cholera baskets in which patients suffering from diarrhœa or premonitory symptoms were carried to the hospital of the district.

The hospital surgeons were required to attend night and day on inmates of the hospitals, and to receive all cases reported to them by the visitors.

The visitors and the hospital surgeons were required to send daily reports to the sanitary committee.

Six dispensaries were established for the distribution of medicine at all hours, to applicants.

Nurses were engaged at one guinea per week, on board wages.

August 23.—A considerable increase in the number of cases of diarrhœa and dysentery having been reported, the dispensaries were opened.

August 27.—The committee authorised the occupation of a house in Mill Sands, to be used as a hospital, and called the attention of the Board of Highways to the condition of certain streets.

August 29.—212 applications for medicine having been made at the dispensaries, two medical men were added to the ordinary staff, and ex-hospital surgeons were appointed. The salary of the visitors was raised to two guineas per diem. It was also directed that interments should take place within 24 hours of the time of death by cholera, and that the tolling of the "passing bell" should be discontinued. It was also decided that 24 hours should be a sufficient notice for the removal of nuisances.

Swine question. Two additional inspectors were appointed.

September 4.—Three night surgeons were placed on duty, or rather, their appointment confirmed. Two qualified dispensers were appointed at salaries of 40*s.* and 35*s.* per week. The Home of

Refuge was reported as fit for use, and the Hospital for Diarrhœa nearly so.

September 7.—A house was taken for the reception of cases of cholera—another hospital surgeon was appointed, and also two more visitors. During the preceding week there had been 1,582 cases of diarrhœa and premonitory symptoms of cholera, but only one of those who had applied for medicine had died. Inquiry was made about the sanitary condition of certain houses.

September 10.—A sub-committee was appointed to arrange for a supply of pure water to Allercliffe.

Two more medical officers and three dispensers were appointed, and auxiliary dispensaries were ordered to be established in the neighbouring villages.

At this time there were six hospital surgeons; three on duty from 7 P.M. to 7 A.M.; three from 7 A.M. to 7 P.M.

September 14.—Two more medical officers were appointed, and orders given for the purifying and cleansing of Allercliffe.

September 25.—The number of cases of diarrhœa having decreased, the services of four of the visitors were discontinued.

Sanitary measures were ordered in all parts of the Union.

October 1.—The committee called upon the Water Company to furnish a supply of water during a period of eight hours at least in each day; stating that a considerable number of deaths in the winter had been caused by an insufficient supply of pure water and the consequent use of the impure water of the river.

October 4.—The committee met Dr. Sutherland, and explained to him the sanitary measures which had been adopted.

October 9.—Four only of the extraordinary medical officers remained on duty—the salaries of the dispensers were diminished, and some of the dispensaries were given up.

On February 25, 1850, the House of Recovery and the diarrhœa wards were finally closed:

In 1832 the expenses were	£2,900
In 1849 "	£2,816 1*s.* 7*d.*
1832.—Cases of cholera 1347	Deaths 402.
1849.—Cases of cholera and diarrhœa 7294	Deaths 66.

Adopting the view that these alarming measures acted prejudicially on health, the sanitary committee, on the expected invasion of cholera in 1849, took steps to meet it by the following measures:—August 20. The committee met to organise a visitation from house to house, in case of the appearance of cholera. The union was divided into two districts, the town and the country, and the town again subdivided into north and south. It was resolved to establish two hospitals, one in each subdivision of the town, for the reception of patients suffering from diarrhœa and the premonitory symptoms of cholera, and also a house of refuge for the healthy members of households visited by the cholera. The ordinary medical offices of the several districts of the union were appointed visitors, and their salary was

fixed at £1 1*s.* per diem. The medical officer of the poorhouse was appointed visitor of the house, and of the house of refuge ; and provision was made for the temporary increase of the staff as necessity required ; and medical officers were appointed at a salary of £2 2*s.* per diem to the two hospitals.

The duties of the visitors were—to visit every infected and unhealthy district once in every eight hours ; to examine every inmate in each house, in order to ascertain the state of health ; in cases of cholera, to prescribe immediately ; to report to the hospital surgeons of the district ; to cause the immediate removal to the house of refuge of the healthy inmates ; and to direct the removal of patients.

Suggestions to Municipal and other Public Boards, on the most efficient means of meeting the impending visitation of Spasmodic Cholera. By P. O'Callaghan.

In the year 1832 I happened to have medical charge of the garrison of Limerick, under the district superintendence of the late Sir James Pitcairn, during the memorable outbreak of spasmodic cholera. I believe the number of cholera cases in that garrison was nearly a third of those in the whole of the troops serving in Ireland at that time. My responsible and arduous duties on that occasion gave me the most favourable opportunities for studying this extraordinary disease, not only in the military hospitals but likewise in the crowded civil establishments and refuges extemporised for the reception of the numerous cases of cholera in that populous city ; and much subsequent experience and observation enabled me to test the value of the practical knowledge thus acquired.

Long before the idea was accepted, or even generally entertained, by the medical profession, I satisfied myself that the cholera was not a contagious disease, and that it was incapable of reproduction from the human body, either alive or dead. I was also convinced that it was produced by a subtle atmospheric poison, borne along in suspension in the air, but not in chemical solution. It would on this supposition be likely to invade localities capriciously as it were, and in various degrees of intensity ; and in general would be more under medical control in its advent and retrocession, because the poison would be in those times in smaller quantity and more diluted. I have been further convinced that this singular poison is material, and that its specific gravity is a little greater than the atmosphere, although it may be wafted forcibly in its stronger currents ; for I have observed that it had always a tendency to subsidence in calm and stagnant states of the air.

This latter supposition will serve to explain many of its strange phenomena. For instance, I have remarked that most persons were attacked towards morning, after they had lain several hours in a horizontal position, near the floors of their apartments, and probably immersed in the most polluted portions of the vitiated air during that time.

It was surprising to observe how local and circumscribed the disease would be found under these circumstances. It would thus occasionally happen, that even the lee side of a ship might be alone infected, if the vessel had been sailing any length of time with a side wind.

I have observed the disease to stoop as it were, and pounce upon a single bell-tent in a large camp, leaving all the others perfectly unharmed; and in another striking instance, I have seen one side of a large barrack-room attacked, although not a single case occurred on the opposite side, which was equally crowded. The immunity of the uninfected side in the latter case, appeared to me to have been caused by the poisoned air having been blown over it through high windows, and deposited on the beds under the opposite wall.

From these observations it can be easily conceived that this terrible atmospheric poison is mainly influenced in its course by the winds, and that any locality in which it unhappily might prevail should look for a storm or strong gale of wind as the most merciful of all providential visitations; for I believe that neither the heat nor the cold, the humidity or dryness of the air have the smallest influence in lessening its virulence.

If this theory should be true, it must follow that the worst localities are those in which the air is least circulated—such as narrow and crowded streets in low situations, enclosed courts, areas, cellars, &c., &c. These unwholesome places are unluckily the most densely populated; and the physical condition of the inhabitants, from a combination of various causes, is in the worst possible state to resist infection, or struggle against disease.

It is therefore too hastily assumed that the locality, or something about the locality, is capable of generating this peculiar poison; as if this state of things was new, and had not always existed even in a far worse degree than at present. The drainage is first accused as the *teterrima causa*, next that universal culprit the water, then the graveyards, slaughter-houses, shambles, and even many of our most useful manufactories; in short everything that produces a disagreeable smell. Nothing however appears to be more conclusively established than the fact, that smells are not noxious in proportion to their sensational offensiveness. On the contrary, there are good reasons for supposing that the agreeable fragrance of many perfumes, and in some cases the grateful odour of certain plants, become exciting causes of serious constitutional disturbance. For example, it is too well known that the pleasant scent of a new mown hayfield is far more injurious to many than the most noisome effluvium from a knackers' reeking slaughter house.

This is not simply a theoretical idea, supported by mere assertion. Let any person of ordinary acuteness of observation take a morning walk through that most elegant, spacious, and best stocked of all gardens, Covent Garden, he cannot help being struck with the generally pale and unhealthy aspect of its occupants, who sit enthroned in their airy and well-ventilated stalls, surrounded with

piles of delicious fruits and gorgeous bouquets of sweet-scented flowers. If he will then take the trouble to extend his walk only a little way further, and try to wend his way through the narrow, close, and offensive purlieus of Newport Market, those loathsome depots and receptacles of animal matter in all its stages of decomposition, he will probably be compelled to hold a handkerchief before his nose; but he will see, at the same time with astonishment, the rosy and chubby cheeks of the boisterous children who inconveniently obstruct his way, and the florid glow of rude health in the countenances of their robust parents. The most eloquent leaders in the most popular journals should not delude the public into the unjust impression that the useful trades of the butcher, skin-dresser, glue-maker, chandler, &c., &c., are more unhealthy occupations than those of the greengrocer, fruiterer, milliner, bouquet maker, &c., &c. The contrary is the actual fact.

When the sewage of London was discharged into the Thames, a short time ago, the stench from the river at low water was exceedingly offensive. This effluvium was almost intolerable, especially in the Houses of Parliament and the neighbourhood. The whole of the press was unanimous in its clamorous demand for the suppression of such an alarming public nuisance, and London was menaced day after day with a pestilence which never came. On the contrary, the health returns clearly proved that the metropolis was unusually free from epidemic disease on the occasion.

I would not, however, venture to intrude my humble interposition against the general voice of the press, and the laudable exertions of the authorities for the removal of local nuisances on sanitary grounds. This would be far from my desire, for I consider that these municipal exertions which are usually excited by a panic ought to be stimulated and encouraged by all means on such occasions.

My sole object, however, at present is to urge, with all the earnestness in my power, the paramount duty of providing beforehand for the immediate removal of decided cases of cholera from infected localities. The necessity for making such preparations is, in my opinion, of the most vital consequence, not only for the more favourable treatment of the patients themselves, but likewise for the absolute safety of the medical officers and their attendants. In furtherance of this object I would recommend that all cholera hospitals should be made ambulatory where possible, or at all events easily and expeditiously removable. For such a purpose nothing appears to me to be so easily procurable, and so thoroughly available, as a large canvas tent. This suggestion, which was submitted many years ago to the consideration of the head of the Military Medical Department, I am happy to hear has been since occasionally adopted with the most beneficial results. I must confess I looked with serious apprehension upon a former recommendation of the General Board of Health—viz., that a medical staff should be organised for the purpose

of house-to-house visitation, and the local treatment of cholera cases. As well might they have recommended that medical men should be sent down into foul mines, with the senseless object of resuscitating the unfortunate creatures whom they might find there gasping in the agonies of choke-damp.

This unhappily was the arrangement, or rather want of arrangement, in the town of Sligo in 1832. No cholera hospitals were established, and the sick were all treated in their own houses. The consequences were appalling; most of the doctors, patients, and attendants were soon carried off, and that devoted town was rapidly decimated. I was, however, rejoiced at the authoritative recommendation of the Central Board for the early treatment of "premonitory symptoms." When the cholera visited this country a second time, I think in 1849, the 11th Hussars (of which regiment I was then the surgeon) were quartered at Hounslow. The disease prevailed to a great extent in the neighbourhood, and was alarmingly fatal in the town and surrounding villages. Our barracks at that time was most unfavourably circumstanced. Its construction was bad, its ventilation and drainage very defective, and it was in great part enclosed by a foul and stagnant ditch.

My principal efforts then were directed to arrest, if possible, the disease in its first symptoms. For this purpose every barrack-room was supplied with a bottle of an astringent medicine composed of the compound chalk mixture, catechu, and opium. This was given in charge to an intelligent non-commissioned officer, with orders to give a tablespoonful to every man who complained of the slightest premonitory symptoms, and even to repeat the dose, if necessary, before the man could be removed to the hospital.

This barrack-room self-treatment was attended with the happiest results, and was almost invariably successful.

Few of such cases even required admission into the cholera ward, still fewer assumed an alarming character, and none proved fatal.

This is the arrangement which I would now venture to urge upon all local boards of health for general adoption. Let there be at once established convenient depôts for the immediate and gratuitous administration of this description of medicine, and appliances for the speedy removal of the decided cases, either of rich or poor, from the infected atmosphere in which they may happen to be immersed; and I feel confident that, under Providence, this dreaded visitation will become divested of much of its malignity, and much of its terror.

The greater portion of this communication had been submitted years ago in the form of a special report to the Director-General of the Army Medical Department, and subsequently to the President of the College of Physicians. It is, therefore, in some degree, an official document. But I feel it a conscientious duty not to withhold it from the public on this occasion.

The treatment of spasmodic cholera in its advanced stages, for

obvious reasons, could not be introduced into this communication, nor discussed before a non-professional audience. But on this matter I may observe, that I believe no case of spasmodic cholera, even in its worst stage of collapse, should be looked upon as utterly hopeless.

CONTAMINATION OF AIR.

The Air of Houses and Workshops. General Views.

By R. ANGUS SMITH, *Ph.D., F.R.S.*

I HAVE been desired to write a short paper on the state of the air in unventilated places, and in doing so I may say that I shall not attempt to make a collection of new facts, but place only a few already published in such a light before the meeting as may seem to fit best the purposes of this Association. Writing as I am on the sea coast, in one of a long line of houses stretching on both sides of the Firth of Clyde, scarcely interrupted except apparently in parts where some more fortunate proprietor possesses a larger share of the beautiful shore, I cannot come to the conclusion that fine air is an object of little value to my countrymen. And when we look at the coast of England and Wales, on the hills especially of the north and west, we find a population in such deep enjoyment of the pleasure of breathing pure air, and the delight it brings, that we may well inquire why an association that desires to teach the public should not attend to matters on which the public require less information. And yet it is right that we should give it attention, as there is still a great deal to be learnt.

When we leave our country and look over Europe we see there also a great movement of the best informed classes towards the seas, the mountains, the rivers, lakes and woods. Although the admiration of scenery is frequently the chief incentive to motion, it is no less true that the air is one of the chief objects of attention, even among those who travel only with the professed object of seeing; and it is the chief object of those who desire to be cured.

If men spend so much time and money on the pursuit of pure air, we might fairly conclude that they have done their best to obtain it perfectly pure at home. As a rule, men do a great deal to this end, but there are many difficulties in the way even of those who understand its value.

A friend tells me that when he was a boy he went to hear a sermon in a small house with low ceiling, such as is still well known in Scotland, but was much more common in our school days; the room was a mass of human beings, who could with their hands have touched, or nearly touched, the ceiling, and the few tallow candles which were burning began to grow dim, and at last to go out. It is

scarcely surprising that the hearers looked on this as a fit emblem of the darkness of the preacher's mind, and a reproof for attempting to preach without an education and a license. I am not aware that we can take a truer or a higher view of the subject. It was a sign of ignorance. The people went out, and the candles revived. We may wonder why such cases do not occur more frequently. If the rooms are tight, so as to prevent passage of air, the time when candles burn badly arrives very soon.

In a leaden chamber, which I constructed for experiments of the kind, there was far more room for each individual than in the cottage of the preacher alluded to, but the extinction of the candles became a very common thing. There was no entrance for air by the smallest holes. Our houses are full of chinks, and very fortunately so, although there are men who build so well that there is a difficulty in obtaining the proper supply of air. Such a room I was once called to see; it had no chimney, and the windows were made by a carpenter who did his work unfortunately well, for five people were found insensible, and one child was found dead. Are we to conclude from this that our houses ought to be badly built, and that huts are the healthiest spots when built with little or no mortar? No such conclusion would be permitted, however reasonable it might be. We are in a strong current towards improvement, and our houses will continue to be built better and better. Even if discomfort followed, we would insist on believing that if improvement has come to one department it will come also to another, and now we must await, not without impatience, that these dwellings which we have constructed shall be heated and ventilated in such a manner as shall contribute to our comfort and our health.

I am not inclined to go to extremes, nor even to go far, at least at present. I believe that a man who has large rooms not overcrowded has solved the problem for himself in a very satisfactory, although not yet perfect way; but unfortunately large rooms are not common, and in some parts of the country rooms seem to be growing smaller instead of larger, the rents having grown great, and the warming of large rooms having been found a difficulty. We are often much annoyed in a small room with an atmosphere which must be changed very frequently by opening the doors or the windows, no plan of ventilation has suggested itself as practical, especially in an old house and one on which it is not allowed to try experiments. In some houses, where the rooms are large, a condition of air is obtained little better than in the small, because the occupiers, determined to have the best lighting that can be obtained, burn too much gas, but in such cases the gas is often compelled at last to give way to the smaller lamp on the table. In such cases of great heating the air near the ceiling is very bad, hot, and sulphurous. The amount of carbonic acid has been found to be five times the amount out of doors. Even in other large and new houses no attempt to cure this evil is made. This is cured only by giving up the luxury of great gas lights.

Seeing the great anxiety for pure air, and anxious also to understand the subject, I have attempted to answer some of the questions relating to it; and, first, what is the composition of pure air? I came to the conclusion, from numerous experiments, that the purest air contains 20·99 of oxygen, that air ought not to contain less than 20·98, and that very probably 21 is still better. I am inclined to believe that we are capable of feeling these minute differences, if not by our ordinary senses, at least by our chemical senses, so to speak, that is, by the continued influence of chemical action in ourselves. At the same time, these differences are probably caused by the presence of intruding gases and vapours, carbonic acid especially being known to us.

The power of carbonic acid must be great when, as was found, 2½ per cent. in air puts candles out, not, we must remember, from the fact that there is too much oxygen removed, but because carbonic acid is present; this we know by burning candles in air having still less oxygen than that in which the candles spoken of went out, but being free from carbonic acid.

The amount of this gas presented to us in nature is small, from 300 to 350 in a million, or 0·03 to 0·035 per cent. Some curious apparent anomalies occur when we examine the matter carefully, and places contain only 0·03 which we might expect to contain more. In districts quite separated from the influence of vegetation over all the north of Scotland, the sea shores and the hills, it is between 0·0320 and 0·0340 almost without exception. The numbers about London, that is in the parks, are even smaller. The amount on the Alps is greater, if we can implicitly trust the analyses of Saussure, and I believe we can, old though they be. Perhaps we are to conclude from this that these small differences are of no consequence if the air is otherwise pure. I do not feel quite sure of that, but am very certain that small differences are of great moment in ordinary circumstances, probably because they are the accompaniments of other impurities.

When we come to towns such as Manchester, we find the carbonic acid rising up to 403 in a million. In foggy days it is up to 734 at times, and at the middens 774. At ordinary times, in workshops, it rises up to 3,000, whilst in mines it goes even to 20,000 in a million.

In towns we have sufficient evidence that it is not the carbonic acid purely that does harm, even if it does any, in open streets. But the increase in close and unclean places is to be remarked. On enquiring in some of these places there was generally found sulphuretted hydrogen, in others unpleasant odours; but wherever it was unpleasant, or much shut in, there an increase of carbonic acid was found.

The next object was to find, by actual experiment, if an increase of carbonic acid was actually hurtful. It was found by a number of experiments that, in close air the pulse falls as regularly as the carbonic acid increased, and, at the same time, the inspirations

increased. In some cases the pulse rose for a little, but in every case there was a disturbance of the circulation and inspiration. It was desired to know if this disturbance was owing to the presence of carbonic acid or only to the presence of the organic emanations. The experiments were tried with pure carbonic acid, and similar results obtained. The diminution of the number of beats of the pulse was less remarkable than the great feebleness which occurred in every case tried. Experiments made with large amounts of carbonic acid do not show its influence clearly or fairly.

We cannot doubt that carbonic acid is an agent of great influence, and that it is to be avoided. I may add, that these experiments went much against my previous reasonings, and they lead to a demand for greater purity of air for reasons clearer and more substantial than the vague sensations that are usually our guides.

Like many other questions, that of the air becomes more complicated the more it is examined; and it is well for us to be exceedingly careful at every step.

I believe it is important to ascertain the amount of carbonic acid, but it is no less important for us to ascertain also, in many cases, the amount of oxygen.

Besides this, we cannot forget that the gases of putrefaction are also to be found mixed with organic exhalations. Some of these gases and vapours are readily decomposed, and the amount ascertained by permanganates. On examining the subject of organic matter, it seemed to me clear that we are annoyed by its presence exactly in proportion to the warmth of the atmosphere. One of the chief reasons, I believe, is simply this—the matter is volatile, and being so, it fills the air exactly in proportion to the warmth applied. In cool weather, the exhalations of the person are readily condensed, whereas, the presence of one individual for an hour in a room of a size frequently used, is sufficient in warm weather to cause unpleasant closeness. The same room would be sufficient for many in cold weather.

Two main evils, then, annoy us—carbonic acid, and exhalations from the person caused by warmth. If we can bear 1,000 of carbonic acid in 1,000,000 of air at the temperature of 50 degrees F., we may be quite unable to bear it at the temperature of 70 degrees. More than that, I believe, that when the proportion of carbonic acid is extremely low, we may still have such warmth that the exhalations will be volatile and the air extremely oppressive. Why do these exhalations annoy us? They probably act like anæsthetic substances preventing oxidation and, therefore, diminishing first the clearness of the mind, and then the strength of the body. We require to remove them from us when it is well known that no carbonic acid, in any injurious quantity is present. This is one reason why we desire the air to be changed more frequently in warm weather; it is not only because there is a desire for a lower temperature, there is a desire for air perfectly freed from exhalations. It is for a similar reason that men can live in narrow huts made of ice without any

attempt at cleanliness. The limit of endurance is probably measured, in such cases, by the carbonic acid only, and not by the organic matter, which ceases at that temperature to be volatile. A low temperature diminishes the power of air to support the combustion of a candle. I do not know if a man can endure more of the pure carbonic at low temperatures or at high, and the subject is one which requires experiment rather than speculation, but he can endure inferior ventilation.

We may readily make tables of the amount of air required for one, two, or any number of individuals in any given space, so as to keep the air at any required state of purity. In future we shall be able, no doubt, to be more exact, and to vary these tables with the temperature. It is extremely probable, however, that temperature is a subject on which men never can agree, from their differences of constitutions, ages, and habits.

This effect of temperature on organic matter makes it clear why we instinctively diminish the amount of ventilation in cold weather without fear of hurt. It is true that we obtain more carbonic acid in the air, and so far lose purity, but we, at the same time, know that the organic matter is not proportionately increased if we keep only a moderate temperature. The proper proportion of ventilation is more difficult to attain when warming is to be effected at the same time. Great errors are made on both sides.

We find two extremes. Most persons warm without regarding purity of air. Many persons of the advanced class ventilate without due regard to warmth.

The proportion will require investigation, because we must consider many conditions, especially moisture, concerning which we know too little. There is another point which I think of value to remember. The temperature of 55 degrees, Fahrenheit, has been called temperate on our thermometer, and on inquiry into the putrefaction of organic substances, I always found 54 degrees, or nearly so, to be the temperature where putrefaction ceased to be very perceptible. Practically I could collect no gases under that temperature. For the present, then, I am inclined to believe that we must have less of the organic exhalations at and under that point. Below that we must ventilate chiefly to remove carbonic acid, and of that we can measure exactly the amount. Above that temperature we have another enemy besides carbonic acid, and ventilation must increase. More air must be removed than the presence of carbonic acid alone demands, the proportion rising with the temperature. To ascertain this proportion for the average man, is a problem which may be solved without difficulty, but not without a good deal of work.

I do not doubt that the senses of most persons may be educated so as to be a sufficient measure of ventilation, but it is also true that many are not so educated, and the peculiar condition in which others work renders the education extremely difficult. If a person works in a factory which has always some odour of oil in the atmosphere, it is difficult to measure the degree of impurity caused by the organic

exhalations of human beings, and still more so the increase of carbonic acid, which, although affecting the functions of life, is not, in small amounts, directly perceptible to the senses. Still more difficult is it for a miner, who is removed from any chance of comparing the air he breathes below with that which he breathes under the open sky. It is, therefore, of great importance that a measure should be had.

I do not attempt here to speak of all the impurities of air. The evil arising from gases which come from putrefaction, such as sulphuretted hydrogen and carbonic acid, may be measured sufficiently by measuring carbonic acid only; that is, if we remove the one we remove the other. The sulphurous acid of the air is also a great evil—an evil affecting those large towns which burn much coal to an extent which renders life in them less cheerful because vegetation around is blighted, and the aspect of everything is gloomy. The existence of oxydizable matter in the air may be measured by permanganate of potash, as I long ago showed, but the process of proving it is not one which can be made so simple and easy to an inexperienced person.

Carbonic acid is the gas well known as a great agent of mischief; it is found on all ordinary occasions where air is rendered impure. It is found where we breathe; it is found when matters decay; and it accompanies, perhaps in all cases, sulphuretted hydrogen, whilst it also comes with the sulphur of the coals, although not always in the same proportion. It is certainly no measure of the peculiar exhalations of the skin which render so very much ventilation necessary in warm weather, nor is it the measure of those exhalations which bring plague and specific diseases. It is, however, a fair measure of those gases which come from decomposition, and, generally speaking, want of ventilation.

On considering these things, two questions, above others, seem to demand an answer. The first is this. How shall we know when the air is unwholesome, or measure its impurity? The second is, how shall that impurity be prevented? The second question admits of as many answers as there are varieties of houses and of temperaments, but perhaps some day an answer will be found which will, in a general way, be applicable to all.

I shall speak now only of the first. For the purpose of showing if the ventilation corresponds to the number of persons present, it is enough that the carbonic acid should be estimated.

If we fill a 6-ounce bottle with the air to be examined, and add to it one half-ounce of a clear solution of caustic baryta, put on the stopper and shake, we obtain no precipitate if the amount of carbonic acid is not greater than 0·0400, or 400 in a million. Now we must consider ventilation very good if no cloudiness occurs. Nay, we may go further, and say that 600 in a million is not too much in a household; we may then be satisfied, even if there is a cloudiness in the 6-ounce bottle, and use a smaller one, say a bottle of 4 1-10 ounces. There are even cases where 1,000 in a million may be allowed, and a 2·66 or 2·6-10-ounce bottle may be used.

I think there are conditions, say in a mine, where even 2,500 in a million may be thankfully received, and then we must have a bottle of only 1·36-ounce dimensions. These numbers are obtained by simple inverse proportion, 0·06 is to 0·04 as 5·42 to 3·61; to 3·61 we add 0·5, or half-an-ounce, and so obtain 4·1, the size of the bottle.

This plan goes on the supposition that the smallest cloudiness is a proof of the amount of carbonic acid obtained, but solutions are not always so clear, and I sometimes prefer the following method—

A precipitate of carbonate of baryta caused in half-an-ounce of baryta water, by 0·2515 cub. cent. of carbonic acid, or by nearly three times that amount in lime water, is most easily remembered. If the carbonic acid in air is sought, the air is made to act on the baryta water until the desired precipitate is obtained. In other words, we use the smallest measure of air which will produce the precipitate. For this reason the name minimetric is adopted. The method may also be used for hydrochloric acid, sulphuric and sulphurous acids, sulphuretted hydrogen, &c., and probably has been used frequently without being brought forward as a method for accurate use.

Two ways of using this method of analysis were described. The first was by the use of a finger pump, an elastic ball with two valves, connected with a bottle containing baryta water. On pressing the ball the air in it is driven out, and on removing the pressure, air is drawn in through the liquid. The air and liquid are then shaken together, and the operation repeated until the precipitate is obtained. For ordinary use a ball to contain two ounces is found most suitable. The bottle should have the same capacity as the ball and the space required for the liquid, so that the air contained in the bottle at the commencement of the experiment may count as one ballful. A table is constructed like the following, but of course it must be adapted to the size of the ball :—

No. of Strokes of the Finger Pump, or No. of Ballfuls of Air.	Per Cent. of Carbonic Acid Indicated in the Air.	Actual Amount of Carbonic Acid in one Ballful of Air.
		Cub. Cents.
1	0·444	0·2515
2	0·222	0·1257
3	0·148	0·0838
4	0·111	0·0629
5	0·088	0·0503
6	0·074	0·0419
7	0·063	0·0359
8	0·055	0·0314
9	0·049	0·0279
10	0·044	0·0251
11	0·040	0·0229
12	0·037	0·0209
13	0·034	0·0193
14	0·032	0·0180
15	0·030	0·0168

TABLE FOR FINGER PUMP commonly used, the ball marked 2 oz., but only about two-thirds of this actually used :—

No. of Strokes of Finger Pump.	Per Cent. of Carbonic Acid Indicated in the Air.	No. of Strokes of Finger Pump.	Per Cent. of Carbonic Acid Indicated in the Air.
1	0·613	11	0·055
2	0·306	12	0·051
3	0·204	13	0·047
4	0·153	14	0·043
5	0·122	15	0·040
6	0·102	16	0·038
7	0·087	17	0·036
8	0·076	18	0·034
9	0·068	19	0·032
10	0·061	20	0·030

The number of ballfuls required to produce the precipitate being counted, on referring to the table the percentage of carbonic acid in the air is at once seen.

An easy method of finding the precipitate for comparison is by shaking half-an-ounce (14·17 cub. cents.) of baryta water in a bottle with 23 ounces of Manchester air or nearly 30 ounces of London air (elsewhere according to residence).

Experiments made with this apparatus show it to be extremely delicate. The carbonic acid in the air of a room can be estimated in a few minutes. For very bad air smaller balls are used, but in all cases only half-an-ounce of baryta water.

The second way of using the minimetric method was partly described in the report on the air of mines, and long tables were there given both for baryta and lime water. It is more particularly adapted for use in houses and workshops.

Suppose, if we desire to know if the air contains more than 0·04 per cent. of carbonic acid, we fill a bottle containing 5·422 ounces with air, by pumping or otherwise, and shake in it half an ounce of baryta water. If there is any precipitate at all the amount of carbonic acid in the air is above 0·04 per cent. This would indicate that the air is less pure than outside.

If we allow 0·06 per cent. of carbonic acid in a room, we take a bottle of the size of 3·281 + $\frac{1}{2}$ ounce = 3·781 ounces (or 107·19 cub. cents.), and if, after a trial as above, we find a precipitate, however small, or even a slight milkiness, the air is deteriorated beyond 0·06. This relates to dwelling houses.

If for workshops we allow $\frac{1}{4}$ per cent. (0·25) a bottle of 0·788 + $\frac{1}{2}$ ounce = 1·288 ounces (or 36·51 cub. cent.) is sufficient.

If $\frac{1}{2}$ per cent. is allowed (0·50) a bottle of 0·394 × $\frac{1}{2}$ ounce = 0·894 ounces (or 25·34 cub. cents.) is enough.

Both of these two last sizes of bottles are small enough to be

carried in the waistcoat pocket. The addition of the ½ ounce is for the space occupied by the baryta water.

Lime water, being very common, will probably be often substituted for baryta water. The experiment is exactly the same, only larger bottles are required.

0·06 per cent. carbonic acid in the air gives us precipitate or milkiness when ½ ounce of lime water is shaken in a bottle of air containing 10·567 ounces (=299·57 cub. cents). 0·25 per cent., 2·916 ounces (=82·67 cub. cents). 0·50 per cent. 1·708 ounces (=48·42 cub. cents.).

By this simple method the greatest refinement may be attained. Of course care must be taken to have the baryta or lime water perfectly clear to begin with.

The author said he had not used these methods for purely scientific investigations.

HEALTH OF TOWNS.

The Danger of Deterioration of Race from the too rapid increase of Great Cities. By JOHN EDWARD MORGAN, M.A., M.D. *Oxon. Physician to the Salford Hospital, Hon. Sec. Manchester and Salford Sanitary Association.*

THOSE who have studied the distribution of the population of Great Britain, during the last fifty years, cannot fail to have observed on the part of the labouring classes an increasing tendency to mass together, and either to form new centres of industry, or to swell the population of those already existing. The desire of raising themselves in the world, keeps constantly urging vast numbers of the dwellers in rural districts to emigrate to the nearest town ; where wages are higher, and the conditions of life apparently more attractive. To this cause, more than any other, is to be attributed that extraordinary development of every branch of our manufacturing industry, which induces even the most distant nations to look to this country as to the great mart which, however varied their wants may be, can best supply them. In this national prosperity, in successful competition with numerous rivals, and in the acquisition of immense wealth, we see much that is calculated to gratify our vanity as a people. Yet at the same time arises a momentous question—"May not nations, like individuals, curtail their day of power in the world's history, by overtaxing the physical and mental energies at their disposal, thus prematurely consuming that national life-blood on which permanent greatness mainly depends ?"

Among the many important questions connected with this widespread migratory tendency, there is one, which, to sanitary reformers,

must needs prove peculiarly interesting. I refer to the influence which it is likely to exert on the public health. As Honorary Secretary of the Manchester and Salford Sanitary Association, I have had occasion to draw up weekly and quarterly reports on the health of Manchester; and at the same time, as physician to the Hospital and Dispensary of Salford, I have had constant opportunities of gaining an insight into the physical condition and mode of life of that portion of our industrial poor who pass their days amid the restless turmoil of a city life. In this manner, my mind has been led to the consideration of this question, and in the remarks which I am about to make, I shall have for the most part to record conclusions, not based on mere hearsay testimony, but the result of my own personal observation.

In the first place, then, in my professional intercourse with the poor, I have been much struck by the singular want of stamina which characterises them as a class, manifesting itself either in the gait, the bearing, the voice, or the frame. Instances in which the muscular system is fully developed or well strung, are remarkably rare. Few are men of that calibre from which we might expect either vigorous and healthy offspring, or arduous and sustained labour. Cases of deformity, accompanied by actual distortions, are by no means uncommon; while minor physical defects, many of them denoting no trifling constitutional ailments, are deplorably frequent.

The pulse—that faithful index of the heart—tells of a want of power in the great propelling organ. The most trivial exertion, no less than the slightest excitement, renders the variations in its beat unnatural and rapid. The irregularity of the circulation is further evinced by the coldness of the extremities, the attacks of vertigo, and the prominent and tortuous veins. The blanched lips and the colourless cheeks plainly indicate the impoverished state of the blood. While attacks of neuralgia, a quiveringly protruded tongue, and dilated pupil, denote the absence of that well-balanced tension of the nervous system, on which the easy and harmonious working of the frame so largely depends. In others, again, the teeth are no sooner developed than they begin to decay, enlarged glands protrude from the neck, the skin looks dry and parched, and the hair scanty and withered. Such is a faithful description of the great majority of the patients who solicit medical advice at our hospitals and dispensaries. Additional confirmation of what I have stated will be found in the large number of military recruits who fail to come up to that standard of bodily fitness which the medical referees are instructed to insist upon. I have been informed by an officer, specially associated with the superintendence of this service, that in some of the manufacturing districts, four out of every five men sent up by the sergeants for medical inspection are rejected, on the ground of physical disqualification. Let us next proceed to inquire into the causes of this degeneracy, and the extent to which it prevails; and in so doing, let us specially consider how far it is to be ascribed to the influence of a city life. In my intercourse with the poorer classes, I have fre-

quently interrogated them respecting their own birth-places and those of their parents; and, in numerous instances, have been much struck by the difference in physical development between the indigenous population and those persons who have migrated into the town in adult life. It has further appeared that, as a rule, this deterioration has, to some extent, been proportioned to the length of time which has elapsed since my patients, or their ancestors, became exposed to the lowering influences of a city life and in-door employment. I cannot help thinking, that the extent to which these influences are undermining the vitality of the nation, is not in general brought forward in so strong a light as the facts bearing on the question undoubtedly warrant. In examining it, under a few of its aspects, it is, in the first place, necessary to show clearly the extent to which the tide of emigration is constantly flowing from rural districts to populous centres. This I have endeavoured to set forth in the accompanying table. It tells at a glance the composition of the four chief cities in England—London, Manchester, Liverpool, and Birmingham—the number of persons over and under twenty years of age, and the proportion of them which, at the taking of the last census, was described as either exogenous or indigenous, is tabulated and compared.

I.—Table showing the Number of Immigrants under and over 20 Years of Age, in the Four largest Towns in England.

—	Total Population.		Natives.		Immigrants.		Native Per-centage.		Immigrant Per-centage.	
	Under 20.	Over 20.	Under 20.	Over 20.	Under 20.	Over 20.	Under 20.	Over 20.	Under 20.	Over 20.
London ...	1,186,059	1,617,930	889,795	753,371	296,254	864,559	74	46	25	53
Manchester.	201,987	258,441	169,579	129,495	32,308	128,946	84	50	15	49
Liverpool ...	193,268	250,670	154,091	92,898	39,177	157,772	79	37	20	62
Birmingham	88,382	114,239	79,508	57,151	8,874	57,088	89	50	10	49
Total ...	1,669,696	2,241,280	1,392,973	1,032,915	376,613	1,208,365	83	46	16	53

What then, are the results?—1st, as regards London—of the population under 20, 74 per cent. were born within the boundaries of the capital. The remainder were composed of immigrants, supplemented (though to an inconsiderable extent) by foreigners. On turning to adults, however (those who had attained the age of 20 and upwards) the proportion of aliens proved far more considerable —amounting to 53 per cent., while the natives did not exceed 46 per cent. In Manchester (the second city on my list), 84 per cent. of the young were born in the county of Lancaster, but only 50 in every 100 adults. Lastly—of the grown-up population in Liverpool, no

fewer than 62 per cent. were born out of the county, and afterwards settled in the town.

Two important facts are directly deducible from this table; 1st. the extent to which our large cities are recruited by immigration, and 2ndly, that the great majority of the incomers are men and women in the prime of life.

Let us next turn to inquire into the sources from which this extensive alien population is derived, and first, as regards that portion of it which is settled in London. Whence came those 864,000 grown-up men and women on whose lives and labour the prosperity and greatness of the empire city so largely depend? The majority of them certainly did not migrate there from our great centres of industry, where their constitutions might have suffered from long hours of confinement. Men of this class constitute but a small item in the alien element of the population of London—that such is the case may be gathered from the statistics contained in my second table which specifies the particular counties in which these aliens were born.

II.—Table showing the Exogenous Population of London.

Industrial Counties.	Total Adult Population.	Emigrants to London.	Immigrants from London.	Balance in Favour of London.	Percentage.
Cornwall	290,876	9,359	1,091	8,268	2·8
Stafford	400,663	7,718	5,480	2,238	·05
Warwick	305,673	14,491	7,428	7,063	2·2
Leicester	132,587	5,900	1,291	4,609	3·4
Nottingham ...	176,435	5,493	1,707	3,786	2·1
Derbyshire	160,516	4,363	1,471	2,892	1·8
Cheshire	256,628	3,046	2,633	413	·016
Lancaster	1,346,203	13,886	12,659	1,227	·009
York	1,089,531	21,582	8,654	12,928	1·1
Durham	280,976	5,271	2,418	2,853	1·5
Northumberland ...	185,150	5,636	1,780	3,856	2
Cumberland ...	111,889	2,800	561	2,239	2
Monmouth	105,048	1,941	808	1,123	1
Total	4,842,175	101,486	47,981	53,495	1·4

II.—Table showing the Exogenous Population of London—*continued.*

Agricultural Counties.	Adults.	Emigrants to London.	Immigrants from London.	Balance in Favour of London.	Per-centage.
Bedford	73,516	8,134	1,568	6,566	8
Berks	112,169	22,889	4,297	17,592	15
Buckingham ...	78,534	17,027	2,671	14,356	18
Cambridge	96,739	13,817	1,682	12,135	12
Devon	229,539	37,828	6,006	31,822	13
Dorset	99,536	10,426	1,642	8,784	8
Essex	202,173	56,733	13,547	43,186	21
Gloucester	247,359	23,357	5,785	17,572	7
Hants	253,391	32,101	11,891	20,210	7
Hereford	60,469	5,556	981	4,575	7
Hertford	94,653	23,811	3,979	19,932	21
Huntingdon ...	30,782	4,393	530	3,863	12
Kent	299,772	61,170	18,735	42,435	14
Lincoln	216,715	11,669	2,101	9,568	4·4
Middlesex	103,800	23,418	14,330	9,088	8
Norfolk	236,840	35,556	3,215	32,341	13
Northampton ...	124,672	10,867	2,197	8,670	7
Oxford	92,673	14,731	2,215	12,516	13
Rutland	12,799	952	152	800	6·3
Sussex	200,320	27,660	11,730	15,930	7
Shropshire	144,284	6,167	1,164	4,003	2·7
Somerset	252,744	31,232	3,986	27,256	10
Suffolk	179,985	35,409	2,965	33,444	18
Surrey	155,577	32,606	17,144	15,462	10
Westmoreland ...	33,427	1,035	235	800	2·3
Worcester	159,465	6,714	2,170	4,544	2·8
Wilts	127,019	21,180	1,820	19,360	15
South Wales ...	375,026	6,784	2,561	4,223	1·1
North Wales ...	228,186	3,921	944	2,977	1.3
Total	4,522,164	587,143	142,243	444,890	9·1

We there learn that the immigrants, as a rule, are natives of the healthiest agricultural counties in England. The population of the country is divided in this table into two parts according to the prevailing forms of employment. The counties in which a large proportion of the adult population is engaged in industrial pursuits, either in connection with our manufactories in any of their varied departments, or in the working of mines, are classed together as the industrial counties, while the remainder constitute the agricultural.

In the latter, for the most part, labour is prosecuted under an open sky, while the lungs are filled with pure air. In the former, the vitiated atmosphere of confined workshops, and the return home to a narrow street, prove more trying accompaniments to a life of toil. The following thirteen counties are classed as industrial—Cheshire, Cornwall, Cumberland, Derbyshire, Durham, Lancaster, Leicester,

Monmouth, Northumberland, Nottingham, Stafford, Warwick, and York. They contained in 1861, a population of 8,795,513. In the remaining 27 counties, and Wales, which may be looked upon as agricultural, 8,466,722 persons were returned. Thus, so far as numbers are concerned, the difference between the two divisions is inconsiderable. My object in thus separating the population into two classes is to indicate more plainly the sources from which our great cities are recruited, and the drain they maintain on the very best blood of the country. With the view of arriving at more exact conclusions, I have first calculated the number of adults each county supplied to the capital, and then deducted from this total the immigrant Londoners they received in return. The two last columns give the balance in favour of the Metropolis; in the first, expressed in the actual numbers; in the second, in the rate of percentage. On examining the result it appears that, while the agricultural counties contributed 444,890, to this balance, the industrial did not supply more than 53,495, making together, in round numbers, half a million full-grown men and women. Over and above these English settlers, 92,819 Irish, and 30,226 Scotch took up their abode in the great city. Hence it appears that at the reckoning of the last census, there resided in London about 600,000 persons, for whom no equivalent was returned to the counties which fostered them in their youth. Inasmuch as the great majority of these immigrants were natives of the healthier division of the English counties, they may be looked upon, in the mass, as picked lives, and consequently, peculiarly valuable members of any community they might select as their dwelling-place. We may readily imagine that these persons contribute, in no small degree, to maintain that comparatively favourable standard of health which has long characterised the metropolitan returns. Calculations based on the foregoing statistics, and others bearing on the same subject, have led me to the conclusion that, if London is to continue to maintain that rate of increase, and that proportion of adult citizens which has marked her growth during the last 15 years, she will require, in addition to the natural increase of her own population, the yearly influx of about 18,000 persons, three out of every four being represented by adults. If we estimate the natural increase of population in the country generally at about 10 in every 1,000 living, we see readily that in order to produce these 18,000 persons, the whole available resources of a vast country nursery, peopled by nearly two millions, must be called into requisition.

Let us next proceed to inquire into the exogenous portion of the three remaining great cities referred to in my table.

III.—Table showing the Exogenous Population of Manchester, Liverpool, and Birmingham.

	Immigrants from					
	The Industrial Counties.	The Agricultural Counties.	Ireland.	Scotland.	Wales.	London.
Liverpool	29,260	11,359	79,035	13,835	17,680	4,707
Birmingham... ...	16,875	29,893	8,312	824	1,052	3,196
Manchester	52,697	16,425	43,556	6,449	6,257	3,879
Total... ...	98,832	57,677	130,903	21,108	24,999	11,782

In Manchester (including under that term the extreme parliamentary limits of that town), the adult population amounted, in 1861, to 258,441. Of this number 128,946, or about one-half, were born out of the county of Lancaster. To this total the industrial counties contributed 52,697, while the agricultural were represented only by 16,425. Of the remainder, Ireland furnished 43,556, Scotland and Wales about 6,000 each, and London 3,879. In Liverpool, the adult population was reckoned at 157,772; of whom about 80,000 were Irish, 17,600 Welch, and 13,835 Scotch. The English industrial counties added 29,260, while only 11,359 came from the agricultural. We gather from these tables that the sources from which the exogenous portions of the two great cities of Lancashire are derived, are in many respects less satisfactory than those which supply the capital; few, comparatively, of their inhabitants are natives of the English agricultural counties, and those who are acquainted with the class of immigrants who flock into Liverpool from the other side of the channel are well aware that the majority of them constitute but sorry specimens of the Irish peasant.

The foreign element which enters into the composition of Birmingham corresponds more nearly with that of London than either Manchester or Liverpool. For of the 57,083 incoming settlers, 29,893 were born in the more healthy division of the English counties. In the foregoing figures, we see plainly how large a proportion of the adult population of our great cities pass their early years under conditions more favourable to health than those inseparable from crowded dwellings and in-door employment—very many, we can imagine, after having safely surmounted the diseases and dangers incidental to childhood, just at the time when their constitutions are established, voluntarily selecting a town as their future home. That their prospects of after life are more favourable than those of the indigenous population, among whom they are come to reside, will readily be conceded; and if granted, how, we may

ask, is it possible to form a correct estimate of the comparative value of life in town and country districts, by calculating the rate of mortality in every 1,000 of the population? The country is robbed of a large portion of its productive population; men and women in the prime of their strength, when their chances of life are the most promising, emigrate to the towns, and then a comparison is instituted between the places they have deserted and those to which they have removed.

The result of all such calculations must needs prove fallaciously favourable to the towns.* To avoid this source of error (at least in so far as it can be avoided), it will be necessary to confine our inquiries to that portion of the population which is least liable to be affected by immigration—in other words—to the young. Few, comparatively, leave their homes under 15 years of age; consequently, up to this period of life, the population of any particular place may be looked upon as tolerably stationary. In my fourth table will be found the value of life in the different counties, under 15. It is calculated from the returns of the registrar-general for the years 1860 and 1861, and relates to the agricultural counties, and likewise to the four chief cities. The former year proved favourable to health; the latter was characterised by a considerable amount of sickness. On comparing this table with the results arrived at in the annual reports for the two years, where the death-rate is calculated on every 1,000 living, the difference will be found sufficiently striking. In the four great cities, instead of amounting to 26·1 it is expressed by 40·7.

IV.—Table showing the Death-rate in Persons under 15, in the Four Cities.

—	Number of Persons under 15.	Deaths in Persons under 15.		Death-rate per 1,000 under 15.		Average for the Two Years.	Death-rate per 1,000 Living.		Average for the Two Years.
		1860.	1861.	1860.	1861.		1860.	1861.	
London	926,904	30,208	32,646	32	34	33	22	23	22·5
Manchester ...	83,038	3,230	3,946	38	47	42·5	28	36	29
Liverpool	87,774	3,619	4,689	41	56	48·5	28	32	30
Birmingham ...	67,533	2,401	2,849	35	43	39	22	24	23
Total ...	1,165,249	39,458	44,130	36·5	45	40·7	25	27.2	26·1

* In a valuable paper by Messrs. A. Ransome and W. Royston, published in the annual report of the Manchester and Salford Sanitary Association for the year 1863, it is shown that it is by calculating the mortality of that portion of the population which is unaffected by emigration, that we obtain the fairest standard for comparing towns one with another, and so ranging them in the scale of health.

Showing the Death-rate in Persons under 15 in the Agricultural Counties.

Counties.	Number of Persons under 15.	Deaths in Persons under 15.		Death-rate per 1,000 under 15.		Average for the Two Years.	Death-rate per 1,000 Living.		Average for the Two Years.
		1860.	1861.	1861.	1862.		1860.	1861.	
Surrey	92,363	1,919	1,971	20	21	20·5	17	17	17
Kent	193,490	4,157	5,023	21	26	23·5	18	19	18·5
Sussex	131,501	2,640	2,540	20	19	19·5	18	18	18
Hants	159,564	3,225	2,990	20	18	19	19	17	18
Berks	74,150	1,479	1,421	19	18	18·5	19	18	18·5
Middlesex	66,755	1,464	1,404	22	21	21·5	19	19	19
Herts	65,826	1,479	1,299	24	21	22·5	19	18	18·5
Buckingham ...	54,819	1,201	1,489	21	27	24	19	20	19·5
Oxford	62,268	1,289	1,278	20	20	20	19	18	18·5
Northampton ...	84,349	2,263	2,271	26	26	26	21	21	21
Huntingdon ...	22,417	497	486	22	26	24	18	20	19
Bedford	52,518	1,366	1,247	26	23	24·5	20	19	19·5
Cambridge ...	66,652	1,606	1,884	24	28	26	19	21	20
Essex	142,355	2,886	3,916	20	27	23·5	18	19	18·5
Suffolk	124,172	2,654	2,910	21	23	22	19	20	19·5
Norfolk	150,262	3,885	4,361	25	29	27	21	22	21·5
Wilts	86,230	1,664	1,492	19	17	18	20	17	18·5
Dorset	64,920	1,317	1,132	20	17	18·5	18	16	17
Devon	201,735	4,256	4,216	21	20	20·5	19	18	18·5
Somerset	165,093	3,097	3,396	18	20	19	19	19	19
Gloucester... ...	153,158	3,269	3,864	20	25	22·5	19	20	19·5
Hereford	36,155	655	734	18	20	19	19	19	19
Salop	91,107	2,184	2,284	23	25	24	21	20	20·5
Worcester... ...	107,370	2,395	2,642	22	24	23	18	18	18
Rutland	8,514	159	166	18	19	18·5	19	17	18
Lincoln	147,346	3,444	3,619	23	24	23·5	19	19	19
Westmoreland ...	21,683	431	394	19	18	18·5	19	17	18
South Wales ...	234,360	6,518	6,430	27	27	27	21	20	20·5
North Wales ...	147,104	3,543	3,383	24	22	23	22	20	21
Total ...	3,008,236	66,729	70,335	21·4	22·4	21·9	19·1	18·9	19

It was highest in Liverpool, where the average rate for the two years was 48·5, in Manchester it was 42·5, in Birmingham 39, and in London 33. In Wiltshire it did not exceed 18, and in Berkshire, Dorsetshire and Westmoreland it was 18·5. As, however, according to this method of life-valuation, the conditions of health seem peculiarly favourable in these four counties, we shall probably obtain both a wider and a truer standard of comparison, by taking the average death-rate, under 15, in the 27 agricultural counties, and Wales. In the year 1860, this rate was represented by 21·4, in 1861 by 22·4, the average for the two years being 21·9. It has been already stated that in the four chief cities it was 40·7. It would thus appear that the prospects of life are nearly twice as favourable to the dwellers in rural districts as to their brethren in the towns.

But it is possible that objections may be raised to results obtained by this method of reckoning. They may be looked upon as conveying an overdrawn estimate of the deleterious influences incidental to a city life. It may be urged that the period of childhood is peculiarly susceptible to these influences, and that provided only these years of probation be favourably passed, the constitution will thus adapt itself to surrounding circumstances, and the prospects of

after life be as favourable as in the country. Now, admitting, for the sake of argument, that this is true, that an adult's chances of life are equally promising, whether his days be passed in the city or the country, it would still appear, that were any particular town reduced to depend upon its own native population, unsupplemented by immigration from any quarter, that difference in the relative value of life, which we have shown to exist at 15, would still be maintained, at whatever later age a death-rate might be calculated.

There is yet another way in which the steady drain upon the resources of the agricultural counties may be rendered apparent. In the annual report of the Registrar-General for 1860, the natural and actual increase of population in the course of the 10 years, from 1851 to 1861, are tabulated in parallel columns.

V.—Emigration and Immigration from 1851 to 1861.

Counties.	Excess of Births over Deaths.	Actual Increase or Decrease.	Emigrants.	Immigrants.
Surrey	26,323	70,743	...	44,420
Kent	61,720	60,251	1,469	..
Sussex	40,853	27,232	13,621	...
Hants	47,287	54,608	...	7,321
Berks	20,820	6,411	14,409	...
Middlesex	15,640	36,719	...	21,079
Herts	22,159	3,490	18,669	...
Bucks	17,506	3,552	13,954	...
Oxford	19,731	986	18,745	...
Northampton	30,149	17,235	12,914	...
Huntingdon	8,349	—1,182	9,531	...
Bedford	18,669	10,674	7,995	...
Cambridge	23,618	—10,209	33,827	...
Essex	42,802	35,575	7,227	...
Suffolk	40,993	—727	41,720	...
Norfolk	43,962	—6,350	50,312	..
Wiltshire	25,685	—4,909	30,594	...
Dorset	21,267	5,098	16,169	...
Devon	56,534	20,074	36,470	...
Somerset	47,886	979	46,907	...
Gloucester	43,005	24,021	18,984	...
Hereford...	8,915	7,676	1,239	...
Salop	24,727	10,905	14,822	...
Worcester	37,174	36,220	954	...
Rutland	3,040	—793	3,833	...
Leicester...	53,291	3,902	49,389	...
Westmoreland	8,794	2,559	6,235	...
	810,899	438,910 —24,170	469,989	72,820

From this table we learn the extent to which the births exceeded the deaths, during that time; and likewise, the proportion of this surplus population, which was retained in the several counties. In other words, we are taught indirectly to what extent either emigration or immigration

was respectively carried. To take an example—in Herefordshire—the births, during the ten years, exceeded the deaths by 22,159; accordingly that number expresses the natural increase of population; and had this county retained all its inhabitants, the census of 1861 would have exhibited an exact agreement between the actual and natural increase. So far, however, was this from being the case, that the former did not exceed 3,490. Hence, 18,669 must have emigrated from the country. Now the bulk of these emigrants would be men and women in the vigour of life—while the 22,159 arrivals were exclusively young. It will be admitted, therefore, that the actual increase expressed by 3,490, was, at best, but a sorry equivalent for the 18,669, more valuable lives which were lost to the county. In considering the effect of emigration, it is important to remember, that a given number of emigrants really represent a far greater loss of productive power to the community at large than an equal number of the fellow-villagers they leave behind them.

It is not easy to estimate the comparative value of the stationary and nomad element in the population of the country; but from what we have stated respecting the proportion of adults among the exogenous settlers in our four great cities, no less than from other statistics bearing on the same question, we are probably justified in assuming, that two emigrants represent as much physical and productive vigour as any three members of the community they leave behind them. If this be true, we can readily understand, that any county which merely remains stationary, or retains but a small proportion of its up-growing population, does actually experience a decided diminution in its strength.

From the foregoing remarks, it will readily be admitted, that natural increase of population cannot be appealed to as any test of the comparative value of life in different places. This increase will, as a rule, be greater in urban than in rural districts. There are reasons for this. In the first place, marriages are more numerous in the towns. Young men at an earlier age can earn such a livelihood as appears to justify them in contracting matrimony. Another reason, not sufficiently taken into account in dealing with this question, will be found in the far larger proportion of adults of a marriageable age who are settled in the towns. This will be seen by the following Table.

VI.—Per-centage of Productive and Unproductive Population.

Towns.	Per-centage of Persons.		Unproductive.	Productive.
	Under 15.	Over 46.		
London	33	17	50	49
Manchester	34	16	50	49
Liverpool	32	17	49	50
Birmingham	31	20	51	48
Total	32·5	17·5	50	49

VI.—Per-centage of Productive and Unproductive Population—*continued.*

Counties (Agricultural.)	Per-centage of Persons.		Total Unproductive.	Total Productive.
	Under 15.	Over 45.		
Surrey	34	18	52	47
Kent	35	20	55	44
Sussex	38	18	56	43
Hants	34	20	54	45
Berks	36	21	57	42
Middlesex	36	21	56	42
Herts	37	20	57	43
Bucks	37	21	58	41
Oxford	36	21	57	42
Northampton	36	20	56	43
Huntingdon	37	21	58	41
Bedford...	37	19	56	43
Cambridge	36	22	58	41
Essex	37	20	57	42
Suffolk	37	22	59	40
Norfolk...	35	23	58	41
Wilts	36	22	58	41
Dorset	35	22	57	42
Devon	34	23	57	42
Somerset	36	21	57	42
Gloucester	34	21	55	44
Hereford	34	20	54	45
Salop	35	22	57	42
Worcester...	36	19	55	44
Rutland	37	21	58	41
Lincoln...	36	21	57	42
Westmoreland... ...	36	20	56	43
Total	35·7	20·7	56·4	42·5

The per-centage of persons of the productive age—15 to 45—in the four great towns, is there calculated at 49. In the agricultural counties, taken collectively, it did not exceed 42·5. In one of the counties—Suffolk—it was as low as 40 per cent., and in several others 41 per cent. It would thus appear, that there are, in the towns, about 13 per cent. more persons of a marriageable age than are to be found among the rural districts; and, consequently, we should anticipate that the natural increase of population would prove—at least to this extent—in favour of the towns, even though no additional inducements existed to early marriages. In this Table, likewise, we obtain further confirmation of all that has been urged respecting the lowering influence of a city life; for it shows that, notwithstanding the strength derived from the fresh blood of the immigrants, the later periods of life, spent in the city, are still unduly curtailed. Thus, in the agricultural division of the country, 20·7 in every 100 living, attain the age of 45; whereas, in the four great cities, this proportion is reduced to 17·5.

In the next Table, the marriage and birth rates for the year 1860 and 1861, in the four cities, are compared with those in the agricultural counties. It shows, unmistakably, that natural increase of population is materially influenced by different conditions of life.

VII.—MARRIAGE and BIRTH-RATE to every Thousand Living.

Towns.	Marriage-rate.		Average.	Birth-rate.		Average.
	1860.	1861.		1860.	1861.	
London	9·9	9·5	9·7	33	34	33·5
Manchester	19	18·1	18·5	37	38	37·5
Liverpool	15	14·3	14·6	31	32	31·5
Birmingham	10·3	9·5	9·9	39	40	39·5
Total	13·5	12·8	13·6	35	36	35·5

Counties.	Marriage-rate.		Average.	Birth-rate.		Average.
	1860.	1861.		1860.	1861.	
Surrey...	6·2	6	6·1	30	30	30
Kent	7·5	7·3	7·4	31	32	31·5
Sussex...	7·1	7	7	29	30	29·5
Hants	8·1	8	8	31	31	31
Berks	6·9	6·9	6·9	30	31	30·5
Middlesex	5·1	5	5	30	30	30
Herts	5·9	5·7	5·8	31	30	30·5
Bucks	7·1	7·2	7·1	33	34	33·5
Oxford...	7	7·2	7·1	33	33	33
Northampton	8·4	7·1	7·7	36	35	35·5
Huntingdon	7	6·6	6·8	33	32	32·5
Bedford	7·9	7·6	7·7	33	34	33·5
Cambridge	6·9	6·3	6·6	33	32	32·5
Essex	6·4	5·9	6·1	32	32	31·5
Suffolk	6·9	6·8	6·8	32	32	32
Norfolk	7·4	7·4	7·4	31	32	31·5
Wilts	6·9	6·7	6·8	31	31	31
Dorset...	7·8	7·1	7·4	31	31	31
Devon...	8·8	8·3	8·5	30	31	30·5
Somerset	7·6	7	7·3	30	30	30
Gloucester	8·9	8·8	8·8	31	32	31·5
Hereford	6·9	6·7	6·8	29	31	30
Salop	7	7	7	31	32	31·5
Worcester	8·7	8·3	8·5	34	34	34
Rutland	6·9	5·4	6·2	32	30	31·5
Lincoln	7·4	7	7·2	33	33	32·5
Westmoreland ...	7	6·7	6.8	32	31	31·5
Total	7·1	6·9	7	31·5	31·7	31·5

We find, for example, that in Manchester the average number of marriages was, in the years 1860 and 1861, 18·5 in every 1,000 of the population. Whereas there are some counties—such as Hertford—in which the rate did not exceed 5·8. On the assumption that the fecundity of the population would bear a certain fixed ratio to the number of marriages, we should anticipate a proportionately wide difference in the birth-rates of the two places. Such, however, is not the case; for, in Manchester, the average number of births was 37·5; in Hertford, 30·5. In other words, while the marriages in the city were nearly four-fold more numerous than in the agricultural county, the births there only exceeded the latter by about one-sixth. In Manchester there were but two children to every married couple; in Hertford, five.

The question I am discussing, bearing, as it does, on the effects of a city life, is the more important, from the manner in which our large towns are steadily, and with increasing strides, gaining upon the country districts, year by year absorbing a larger share of the population. At the end of the seventeenth century, the dwellers in the former were estimated at 1,400,000, and those in the latter at 4,100,000. In 1861, according to the registrar-general, the number of persons living in populous towns, amounted to 10,930,841; and those in small towns and country districts to 9,134,386. We thus see that the proportion of the population still distributed over the more open districts of the country has, during the course of the last 150 years, decreased from 74 per cent. to 44. But it is comparatively lately that the encroachments of the large towns have become excessive. For while, in the ten years from 1851 to 1861, small towns and country districts increased at the rate of only 3·9 per cent., our populous cities added nearly 17 to every 100 of their population.

Let us next turn to consider some of the more prominent causes of enervation, which seem peculiarly associated with a residence in the city, and render life there a constant season of danger and temptation. Three of them—vitiated air, constitutional syphilis, and the abuse of alcohol, I am disposed to look upon as the most distinctive, and at the same time the most fatal.

In varying proportions, whether combined or alone, these may be looked upon as the fruitful parents of that grim array of blighting diseases which, under the protean form of scrofula, prove such apt reapers in the harvest of death. The first, indeed, would appear well-nigh inseparably connected with the congregation of vast numbers within the boundaries of a crowded city; while the two last, though originating in the vicious courses of individuals, are not confined in their consequences to the guilty sufferers, but are passed on to the offspring, and thus become, year by year, more generally diffused among the great mass of the people. In the stealthy and frequently unseen manner in which they are all followed by more or less serious effects, a certain similarity may be traced between them. It is for this reason that the ravages they commit are comparatively rarely assigned, by the registers of death, to their true origin; but are

generally attributed to diseases which merely set the last seal to a life of misery. I propose, now to consider briefly, a few points connected with these three causes of city degeneracy, and with a view of arriving at more accurate conclusions, will take them separately, in the order in which they occur. And, first, as regards vitiated air. What are the atmospheric conditions under which life is passed in our crowded cities? And how far do they differ from those which prevail in the surrounding districts of the open country?

It is to be lamented that so little attention has been devoted to this subject. In the weekly returns of the registrar-general, we obtain no information respecting the nature of the climatic changes by which the capital is affected.

The meteorological observations appended to these returns are taken at Greenwich Observatory, under conditions widely differing from those surrounding the population domiciled in St. Giles. During the prevalence of many winds, the air at Greenwich blows as fresh and as pure as though the Observatory were situated in the very centre of the country—far removed from the disturbing influences of smoke and fog. But though the statistics bearing on this question are scanty, they are still amply sufficient to prove that the air in the centre of our populous cities is not such air as the country can boast of. It differs in temperature; and it differs likewise in chemical composition. The meteorological returns of the Manchester and Salford Sanitary Association supply information on the subject of temperature. The observations which it publishes are taken both at the Royal Infirmary (in the centre of Manchester), and at several suburban and outlying stations. On comparing results, it appears that the range of temperature recorded at the former is very much narrower than at any of the latter—thus, during the months of November, December, January, and February, the mean and lowest readings at the central station are considerably higher than in the surrounding districts. On the other hand, in May, June, July, and August, the latter are considerably warmer. The contrast between the two sets of observations is remarkable, and in proportion as the state of the temperature inclines more to one or other extreme, either on the side of heat or cold, so is the difference greater than in more moderate weather. In the following readings a few of these differences are pointed out; on the ten coldest days observed in the course of the last four years, the mean of the lowest thermometric readings at Old Trafford (one of the suburban stations) was 15·2; at the Infirmary, on the same days, it was 23·7, or 8·5 degrees higher. Again, in the four summer months of last year, the mean of the highest observations at the former station was 73·9; at the latter 68·4—exhibiting a difference of 5½ degrees.

These stations are separated by an interval of little more than two miles; it is difficult to estimate the significance that ought to be attached to such differences of temperature. Their true importance probably lies in the fact that they are certainly due to artificial pro-

duction. Such an atmosphere, therefore, must be largely contaminated by organic and chemical impurities.

A murky mass hangs like a shroud over the city—a dismal list of noxious gases is so intimately diffused throughout the air, that neither can the earth's heat radiate into space, nor the warm beams of the summer sun thoroughly dissipate the suspended canopy.

We have already observed that these atmospheric differences are not confined to temperature alone, but extend likewise to chemical composition; a remarkable proof of this is afforded in the absence of ozone in some of our cities. The most experienced meteorologists have failed to detect this substance in the centre of Manchester. In the immediate neighbourhood, on the very confines of the city, it has been obtained in considerable quantities. My own observations in this matter entirely confirm the experience of others. In this simple fact, we possess evidence of an important change; for, although we understand little respecting the effects of ozone on the human system, the preponderance of testimony is certainly in favour of these effects being invigorating and tonic. We know, for instance, that in many places in which the proportion of ozone in the atmosphere is unusually large, there likewise the health of the people is peculiarly favourable. Such is the case in the Western Isles of Scotland, where the quantity of ozone is the highest recorded.

In a valuable paper on the air of towns, Dr. Angus Smith refers to the acidity of the atmosphere—another proof of chemical impurity. In his earlier observations on the rain, he appears to have alluded to its alkaline reaction. This opinion was based on experiments conducted in the open country. "Of late years," he observes, "I have found no alkaline rain in any portion of what is actually the town; the amount of acidity is such as to colour blue litmus-paper at once; one drop falling on the litmus, at once colours it. One may, by this very simple means, obtain a very clear idea of the extent to which the air is deteriorated by smoke from coals containing sulphur." In another place, in referring to the organic impurities diffused through the atmosphere, Dr. Smith remarks that, "We have in different air, breathed by people in the same country, a substance the amount of which in one case is 22 times greater than in the other; and in air breathed by people in the same town, a difference which is as 9 to 22." And he further observes, "that in the district in which the highest numbers were obtained, there were, in 1855, 4·5 deaths in the 100, while the average is 2·2."

Let us next turn to consider the second great cause of enervation which prevails among the masses of our populous cities—constitutional syphilis. It is not easy to estimate the extent to which this baneful and contaminating disorder is generally disseminated. On this question we learn little from registers of mortality. Actual death comparatively rarely results either from the directly contracted or inherited form; and even when it does, its true origin is often ascribed to some more innocent cause, less calculated to wound the

feelings of surviving relatives. But, though registers are silent, we may learn much from disease returns.

In the Tables of the Manchester and Salford Sanitary Association, a column is devoted to this affection. We there learn that, in the course of the two years 1863 and 1864, 3,217 new cases of constitutional syphilis were observed in that portion of the public practice of Manchester from which the returns of the Sanitary Association are derived. About 800 more were relieved at the Lock Hospital. In addition to these cases, all duly certified, and amounting in the aggregate to upwards of 4,000, no fewer than 7,388 patients were returned as having suffered from various forms of skin disease. From what I have seen of these unclassified cases, and from the difficulty frequently felt in deciding on their origin, I believe I am justified in assigning a considerable proportion of them—probably as many as one-fourth—to syphilitic contagion. If these statistics are deserving of credit, it would appear that, in the course of only two years, about 6,000 of the poorer inhabitants of Manchester suffered from well-marked symptoms of syphilitic infection; and numerous as these cases were, it must be remembered that they were exclusively confined to those seen in public practice, and therefore constituted but a small proportion of those which occurred among the remaining classes of the population. Moreover, the cases attended by the medical officers to the many sick and benefit societies find no place in these returns. If we consider the abiding consequences too often associated with this disease, and the insidious manner in which it is liable to be passed on to the offspring, leaving an impress on the constitution which even several generations cannot wholly erase, we shall see good grounds for believing that, wherever the blood of the community is extensively contaminated by this poison, there, likewise, fears may be entertained respecting the future vigour of the race.

The third great cause to which I have ascribed a threatened deterioration of the public health will be found in alcoholic excess. I refer more especially to the cases in which the parents (and particularly the mother) become addicted to the habit of spirit-drinking. It is here that the offspring is liable to suffer; for as the nervous temperament of the weaker sex is more susceptible than that of the male, so is any undue stimulus apt to be followed by more abiding exhaustion. There are grounds for believing likewise that the subjects of intemperance, whose employment is sedentary and confined, fare worse than their brethren in the country. Exercise and labour under an open sky prove the best correctives to alcoholic indulgence. Hence probably the city mechanic succumbs more readily and at an earlier age to his intemperate habits, than the agricultural labourer. In the latter class, likewise, intoxication among women is comparatively rare. As a general rule they lack the means for indulging in this kind of excess; very different are the opportunities of the industrial operative. Young girls at an early age earn wages, which, while they enable them to dispense

with parental support, render them at the same time independent of parental authority.

I have now touched upon the three great causes which my intercourse with the working classes has forced upon my mind, as contributing in varying degrees to that lowered standard of the public health which I have spoken of under the ominous title of threatened deterioration of race; though not wholly absent from the open districts of the country, their bad effects are there counteracted by more wholesome influences, which prevent their being handed down as an abiding legacy to the offspring. Thus, though it is a notorious fact that the cottages of our agricultural labourers are frequently crowded to excess, though whole families are promiscuously huddled into a single chamber, nevertheless, these people as a class grow robust, and they do so, in a great measure, because the air outside their dwellings, that air which they inhale when the play of the lungs is exalted by labour, is fresh and pure and invigorating. With the mechanic and operative the case is different; during his hours of labour and his season of repose, within doors no less than without, he breathes constantly an adulterated atmosphere. There is one class of our industrial population to whom indoor employment in connection with bad air proves peculiarly trying—I refer to the married women. All experience shows that the maternal duties cannot be efficiently carried out, either towards the husband or offspring, so long as the mother of the family is separated from her home from morning to night. In the manufacturing districts the women frequently continue at full work till immediately before the birth of their children, and return to their employment so soon as convalescence is fairly established. As the wages are regulated by the work done, the incitement to exertion is necessarily great. In this manner the infants are neglected, and their rearing entrusted to persons little interested in their welfare. Nor are the injurious consequences confined to the children; in many cases they speedily react on the health of the mothers, for under such circumstances, by a well-established physiological law, the births will frequently succeed each other with unnatural rapidity, and by unduly taxing, prematurely undermine constitutional vigour.

The remarks I have made on the lower tone observable in our industrial classes, appear to derive some confirmation from what has been spoken of as the altered type of disease—is it not possible that in the course of the last 50 years the persons who are the subjects of disease, rather than the diseases themselves, have undergone a change? In dealing with this question we must never forget that the experience of the great leaders of medical opinion is derived, almost exclusively, from that field of practice which is seen among the wards of a city hospital. And certain it is, that among patients of this class, the treatment and remedies at one time in vogue are now justly condemned. But is such a change in the practice of medicine equally called for in those favoured districts of the country

where the people still retain primeval vigour, and no signs of decay have as yet assailed the human frame? I believe not. While residing for some years in one of the western islands of Scotland, I enjoyed peculiar opportunities of observing life passed under conditions singularly favourable to the rearing of a robust and hardy race of men. Those conditions differ in almost every particular from the more stirring existence of the city mechanic. The natives of these islands are exposed to all the vicissitudes of the weather, their diet is simple though nourishing; their houses, however deficient in cleanliness, are thoroughly ventilated; and the air, tempered in its passage over the gulf stream, derives new and invigorating properties from the vapours of the Atlantic. These differences were strikingly reflected in the prevailing diseases, and might best be read in the more sthenic character of the inflammatory class. Pneumonia, croup, and various other maladies, ran their course so rapidly, and accompanied by such intensely distressing and urgent symptoms, that I was reluctantly forced to suspend my faith in restorative medicine and the lessons acquired in a London hospital, and to adopt boldly the three great remedies handed down from the past—depletion, antimony, and mercury. Among the vigorous and hardy, attacks of sickness are generally rare, but they are decided and acute. Among the enervated and ailing, they are abiding and chronic. In the foregoing pages, after endeavouring to show that vast numbers of the people of this country pass their lives, from their cradles to their graves, under conditions incompatible with high physical vigour, I have proceeded to glance at a few of the more prominent causes on which they appear to depend. The practical question still remains —What steps can be taken to prolong the duration and brighten the prospects of a city life?

In considering this question, we are reluctantly forced to admit that, much as sanitary improvements may accomplish, they still never can render a populous town as favourable a dwelling-place as a country village. The system of drainage may be complete—but even the most perfect sewers, traversed by water largely charged with noxious gases, will absorb, and in certain states of the atmosphere will give out, exhalations detrimental to health. So, too, long rows of coal-consuming chimneys will adulterate the air with the products of their combustion. Valuable as are the measures calculated to mitigate these evils, disappointment will follow, if we expect entirely to remove them.

With this caution, I will proceed to offer a few suggestions on measures calculated to remedy a few of the evils I have specified. Not that these particular measures are, in any respect, more important than many others to which the labours of our great sanitary reformers have so zealously and profitably been directed, but because their utility has not, as yet, been fully appreciated, nor steps taken to carry them into effect. Such are, in the first place, more accurate observations respecting atmospheric changes, taken in densely populated districts. I believe such observations would clearly prove that,

if a population is to be maintained in a state of vigour, there are certain limits, both in respect to the contiguity of dwellings to each other, and the crowding of their occupants, which, be the counteracting influences what they may, cannot, with impunity, be transgressed.

There are districts in Manchester, and even populous districts, in which the death-rate is invariably far more favourable than in others which immediately adjoin; I refer especially to Broughton and Chorlton. The chief causes (so far as I have been able to discover) of this comparative immunity are to be traced to a less condensed and more prosperous population; straighter, wider, and lower streets, and a general absence of that labyrinthiform arrangement of courts and alleys, which fever and dysentery so continually haunt. In these quarters of the town, the lower strata of the atmosphere are not permitted to stagnate, while the streets, which in many cases intersect each other at right angles, are swept and purified by the passing winds. Now, if it be true that an efficient system of street ventilation is followed by such favourable results in these two quarters of Manchester, should we not be emboldened to open up those densely populated districts, which at present constitute such unfailing nurseries of disease, and to regulate, even by stringent measures, the height and width of all streets which may hereafter be constructed?

An important mode of relieving the extreme pressure which now weighs upon our great cities—a pressure which the clearances we have advocated might still further increase would be found in the establishment of an efficient system of emigration. In considering this question, however, we must never forget that the interests of the mother country and those of the colonies are directly opposed in respect to the class of persons whom it would be desirable to select. It is to the advantage of the colony to obtain men and women of high physical vigour, in the very prime of their strength. These, however, are the very persons whom the mother country can least afford to part with; to them she looks as to those on whose thews and sinews she must rely, to fight her battles and to increase her wealth. It is to her interest, on the contrary, to send out her used-up town population, those most enervated by the trying ordeal of a city life, and who, so long as they remain at home among the associates and temptations which led to their ruin, may be looked upon as fallen well-nigh beyond the hope of return. Nothing would be more calculated to infuse fresh blood into the veins of such persons as these, and to give them a fresh start in the battle of life, than the invigorating change of a sea-voyage, and the more healthy influences of a new world. The beneficial effects of emigration were strikingly manifested at the time when famine pressed heavily on certain portions of the Highlands of Scotland. During that season of distress, the landlords, in many cases, assisted their tenants to emigrate, while several of the colonies voted large sums of money towards defraying the expenses of those who might be willing to

select their shores as a future home. As might readily be anticipated, the agents of the latter sent out a far more valuable class of persons than those selected by the proprietors of the soil. It was soon found, however, that the improvement among the inferior emigrants was decided and rapid. And such is the marvellous elasticity of the human frame, that even in the case of the most abject outcasts of our great cities, we might anticipate with confidence a change for the better—a change which would in time render them a valuable acquisition to the colonies which might receive them. Would not the relief funds of a union be more profitably expended in encouraging emigration in persons of this class, and in giving them assistance of a permanent character, than in pensioning them at home, and thus making them the slavish recipients of pauper charity?

There is another direction, likewise, in which much might be done to curtail the catalogue of city diseases. I refer to the establishment of effective measures to check the spreading of infectious diseases. In investigating the outbreaks of several epidemics, I have been much struck by the manner in which disorders of this class radiate from centres—frequently at first from a single centre; after a while from many. This is especially true of typhus fever. Scarlet fever is another disease very largely attributable to direct contagion. But, though this is a fact very generally admitted, we neglect some of the most obvious precautions to check its diffusion. In the course of the last two years, this variety of fever has carried off, in Manchester alone, about 2,500 persons; while the total number of cases cannot have fallen short of 20,000. If we consider how numerous are the instances in which the after-consequences of this disease are both abiding and serious, we are well entitled to insist upon the extent of the evil; and yet, were special institutions for the reception of such cases established in various quarters of our populous cities, it is impossible to doubt that many valuable lives might have been saved, and a vast amount of sickness entirely avoided. The same remarks apply to small-pox. In a late report on the health of Manchester, I have estimated the number of persons who were attacked by this disease in that city and Salford, in the course of the last two years, at about 6,000. If we consider that small-pox and scarlet fever are affections of that class to which persons are only subjected once during their lifetime, we are forced to admit that the foregoing estimates are certainly striking. But, though striking, I am disposed to believe that, as compared with other great cities, they would not be found singular, were such statistics as Manchester possesses available for inquiry. My experience in analysing the disease returns of the Manchester and Salford Sanitary Association, convinces me that, if we would enlarge our acquaintance with many interesting problems connected with the public health, we must no longer confine our inquiries to the registration of deaths, but extend them to returns of disease. Such statistics have for several years been successfully collected by the Manchester and Salford

Sanitary Association. No fewer than 28 members of the medical profession, connected with the Poor-Law unions, the hospitals, the workhouses, and gaols, unite in furnishing weekly returns respecting the number and nature of the new cases of disease which may come under their own personal observation. In addition to these tabulated statistics, they frequently specify the particular houses infected by contagious diseases, the causes which appeared to excite them, and other interesting points bearing on the public health. A return, with a summary, drawn up by the Honorary Secretary, is now published at the end of every week, and inserted in the daily papers. In this manner, the very first outbreak of an epidemic, and the quarter in which it may appear, are speedily noted; while the amount of sickness which prevails among a population of nearly half a million may be read at a glance. On the intensity which some of the more formidable diseases assume during different epidemics, and on the localities they select as their most congenial haunts, much interesting information is accumulating in these returns—the more interesting from the little attention these questions have hitherto received. They are valuable, likewise, as enabling us to compare the sanitary shortcomings of different places. To take an example: disease returns, corresponding to those of the Sanitary Association, were collected and tabulated by the late Dr. R. D. Thompson. On comparing the two sets of observations, it has been found, that the law of diffusion which characterises the distribution of some of the more ordinary maladies in London and in Manchester differs materially. Thus, while diarrhœa is invariably more general in the metropolitan parish of Marylebone, bronchitis, and kindred affections of the chest, predominate in the north. The impurity of the water distributed by the metropolitan companies, as compared with the Manchester supply, points to this important necessary of life as the probable cause of alimentary disturbance; while the bronchial irritation with which Manchester is affected seems referable, either to more trying climatic influences, or to the more extensive contamination of the air by the products of combustion.

To sum up the foregoing suggestions, we may say that, on some subjects, accurate and more general observations are urgently called for—such are those relating to the composition and temperature of the atmosphere, not taken in airy suburbs, but in centres of industry, where men and women are congregated together. So, likewise, in addition to what the registrars tell us, respecting the result of every man's last illness, we require to know the nature and extent of the invaliding which precedes it; and such information we can only obtain from disease returns. So, too, if we would set a check on those maladies which are truly preventible, we should organise special wards for the reception of sufferers from contagious diseases, and retain our patients until convalescence is established. We must likewise supply more accommodation at our Lock Hospitals, and adopt stringent measures for preventing the class of patients who attend from becoming a general source of infection. The employ-

ment of married women also, more particularly when they are mothers of young children, should in every way be discouraged. Schemes of emigration, specially calculated for the relief of the mother country, should be brought into operation. Settlements along the railways should be established for the working classes, with special cheap trains at early hours in the morning and at breaking-up time in the evening. Cellar dwellings should be closed up, courts and alleys cleared out, and the sites which they occupied left open to serve the double purpose of air-shafts and play-grounds. Streets also should be widened. Factories and workshops, instead of being piled up in the centre of our towns, should be scattered over the country in airy and healthy localities. If these suggestions are in any degree practicable, and if the importance I have attached to them is not overdrawn, it will be admitted that they can neither be too often nor too urgently pressed on those who have the power of enforcing them.

The Local Government Act, 1858, *and the necessity of extending its usefulness to the suburbs of large towns. By* JOSEPH JONES.

So patent are the advantages conferred by the Local Government Act, that no attempt will be made in this paper to enumerate them. The following remarks will be confined exclusively to two points,—First, as to what the Act is accomplishing in the widening and improving of streets by means of provisional orders, confirmed by parliament, for putting in force the Lands Clauses' Consolidation Act, 1845; and, second, how the benefits of the Act generally may be advantageously extended to the outlying suburbs of populous places.

I. Until August, 1858, when the Local Government Act came into operation, and, together with the unrepealed portions of the Public Health Act, 1848, formed as it were one important measure, of which towns might avail themselves for the purposes of health and improvement, local authorities could not purchase lands and premises compulsorily for widening streets and other sanitary purposes, unless armed with a special Act of Parliament, which had probably been obtained at considerable cost. Such purchases cannot now be compulsorily effected without legislative permission, but the process of obtaining these powers has been simplified and cheapened to a marvellous extent. Any place to which the Public Health Act, 1848, was applied before 1858, or by adopting subsequently the Local Government Act, may now, through its local representative board, present a petition to the Home Secretary, praying for powers to put in force the Lands Clauses' Consolidation Act with regard to the purchase of premises defined in such petition, and in respect of which the usual parliamentary notices have been inserted in the local papers in November (insertion in the *London Gazette* being dispensed

with), and have been served during the month of December on the parties interested in such premises, service by means of registered letters being allowed in the case of persons residing at a distance. The merits of the petition being then duly inquired into, and no serious objection urged against the scheme of improvement therein set forth, the Home Secretary issues his provisional order for granting the required powers, and afterwards brings in a bill for its confirmation by parliament, the same bill generally including provisional orders for other purposes, granted on petition, and applicable in the whole to six, eight, or perhaps a dozen towns, as the case may be. So great, in fact, has been the extent to which local boards have availed themselves of these new powers, that since 1859 to the end of last session, no less than 16 Local Government Supplemental Acts have been passed, confirming provisional orders, which affect in one way or another not fewer than 122 different towns and places.

Of these provisional orders confirmed since 1859, the earliest session in which this feature of the Local Government Act could be carried out, 49 relate to putting in force the Lands Clauses' Consolidation Act, 31 to an extension of borrowing powers, 41 to a repealing or altering of parts of local Acts, and 16 to an alteration of boundaries and of former provisional orders. The average cost to the government of these orders, as charged to local boards, is about £6 each.

These arrangements, it will be understood, are altogether independent of what has been done in the cotton manufacturing districts, under the Public Works' Act, passed in 1863 for the purpose of granting loans of money, and thereby giving employment to thousands of distressed operatives during the cotton famine, when at one time half a million of people had to be saved from starvation, to whom had been paid when at work £170,000 a week. The report of the central relief committee at Manchester, who concluded their labours in June last, announced the very gratifying fact that during the two years this Act had been in operation, no less a sum than £1,000,000 was expended; £10,000 a week was on an average paid in wages; 35,000 men had been employed, and as only a part of what had been accomplished, 200 miles of streets had been sewered, formed, paved, and channelled, and had had foot-walks constructed.

II. The second point on which a few suggestions will be offered relates to large towns, more particularly corporate districts, which enjoy the advantages of the Local Government Act, but whose immediate suburbs, just beyond the municipal boundary, claim an immunity from proper sanitary control as to drainage and other regulations. The most serious results may be anticipated from a continuance of this state of things in some quarters. Railways and manufacturers are causing an increasing population to spring up close to many of our old towns, thus giving an augmented value to the land around, for which the owners eagerly claim the rights, but are apt to overlook the duties of such property, because there is no recognised authority, as in the adjoining borough or town, to enforce

them, and what is more, the legislative power itself is lacking. Streets are formed and new houses are built, but they are subject to no control or inspection as to width, drainage, or ventilation. In a few years, therefore, the same kind of structural evils which ancient towns have long groaned under, and which can be but partially and with difficulty relieved, will be reproduced in all their aggravated forms, in adjacent hamlets, whose green fields are being covered with partially sewered and ill-formed streets, with imperfectly ventilated houses and open cesspools, whilst in the midst of all a blood-boiler or a tallow-melter may establish and carry on his business with impunity. It may be said that places like these, if containing more than 3,000 inhabitants, can adopt the Local Government Act. This is admitted; but if such adoption be negatived by the ratepayers, who too often act capriciously, is the adjoining town, to which such a suburb owes its advantages, to be threatened with fever and sickness by reason of this indifference to sanitary control? Besides, if the Local Government Act were adopted, it has been found that the practical working of the measure in small places is not, as a rule, followed by results so satisfactory as in large towns, where much valuable experience is being acquired daily. The remedy suggested, therefore, is a simple one. Let parliamentary facilities be given in the next session for extending the municipal boundaries of corporate towns, and enlarging the area of jurisdiction in populous places, where the Local Government Act is in force, so as to include any such defined outlying limits for sanitary and other purposes. A short Act of Parliament, permissive in its character, might give the required relief; the machinery for its adoption could be set in motion by means of provisional orders issued by the Secretary of State on petition, and confirmed by the legislature, as is now done in other matters. Difficulties will of course be started, and objections raised against any such fusion or extension; but surely the claims of the public health are paramount, and the outlay of important towns in securing valuable sanitary regulations for their own citizens ought not to be neutralised, or their health jeopardised, by neighbouring incapacity or indifference. This proposal need not involve uniformity or equality of rating in the new and old parts, as existing circumstances would be taken into account. The principles of taxation and representation would be determined by the provisional order, after due inquiry on the part of the Home Secretary. At the same time the fact should not be ignored, that in scores of towns at the present day, thousands of pounds have been expended in sanitary and other public works, such as main drainage, water supply, markets, baths, washhouses, parks, recreation grounds, free libraries, museums, and the like, from which the inhabitants of adjoining suburbs derive advantages equal to those who are taxed to pay for them, and yet not one farthing of the expense is contributed by the former. An anomaly this, which demands alteration.

With such enabling powers, therefore, as those suggested, my conviction is, that a sound and healthy stimulus would be given to

the further operation of the Local Government Act, and other measures of a social and beneficial character, the introduction and extension of which to our suburban population, on equitable terms, is imperatively called for in the present day.

Causes of the Difference existing between the Death Rates of Rural and Urban Districts, and, incidentally, of Sheffield. By G. L. SAUNDERS.

No work has contributed more to the improvement of the sanitary condition of this country than the annual Returns of the Registrar-General, which place before us the amount and the causes of disease and death. But, unfortunately, these Returns cannot point out the peculiarities of each district, and the averages of death are based upon the Poor-law unions, so that little comparison can be made between one town and another. As a general rule, however, the Returns correctly mark the progress of disease in the country, and clearly exhibit the general causes of rise or fall in the death-rate. One great error, however, is to be found in these Returns, and indeed in the writings of most sanitary reformers—not even excepting those of Mr. Chadwick, to whom the country owes so much sanitary improvement. This error consists in the assumption that urban districts can, by the adoption of certain legislative sanitary measures, be made as healthy as rural districts; that is, that the death-rate ought to be no higher in the former than in the latter. But while society is organised as at present in our large towns—where men are compelled for a living to undertake labours injurious to life—where there are classes congregating together, lost in the depths of ignorance and weighed down by poverty—and where vice is rampant—it is quite useless to expect the inhabitants to be as healthy as those of villages. It is certain, that though the same public sanitary measures may be adopted in a town as in a village, there are in the former many causes of disease which are absent in the latter. The populations of towns and villages are so differently circumstanced that it is quite impossible to equalise the death-rate; and the loss of life must be—until perhaps the millennium—considerably greater in urban than in rural districts.

The first great point to be considered is, density of population. In towns, the trade is concentrated on a small space, and for the sake of that trade the people huddle together and live in masses; and this cannot be prevented without many arbitrary regulations; for the tradesman wishes to live near his shop, and the working man near his labour. If the narrow streets are pulled down, the result is, that larger numbers crowd the wide. You cannot get the people away from the place where they are employed. If a narrow street of one hundred houses, each house containing six persons—or six hundred in the whole—were, for the sake of improvement, taken down,

leaving a street close by with only fifty houses, and they were unoccupied, the six hundred houseless people would immediately fill them, instead of the hundred houses they formerly lived in. And this occurs not only through the great desire that men have to live near their field of labour, but also from the fact that increased space demands increased means, and that the poor are driven, from poverty and sheer necessity, to huddle together. In all towns, especially manufacturing towns, land is of much value, and the houses of the artizans are crowded together to lessen the land rent. If more space is given to each house, the increased rent will still induce overcrowding; and the result will be disease and death—preventible, no doubt, if we could make the poor richer or convince landlords that no more rent ought to be paid for a large piece of land than for a small one; and preventible, I fear, in no other way. Sufficient attention is not paid to this question of area. Through density of population, the death-rate of our towns is much higher than that of rural districts. Lord Stanley, in his address before this Association in the year 1857, said:—"A vast and interesting inquiry is opened by the statement that, other causes being the same, the mortality of a district varies directly as the density of its population. I cannot refrain from a passing reference to those facts . . . . by which I understand this inference is supported. It was observed during a late epidemic, that in the 134 more thickly inhabited districts, where the higher rate of cholera mortality occurred, the population was 915 to the square mile. . . . In 404 districts of lower cholera mortality, there were 235 inhabitants to the square mile; . . . while in the remaining 85 districts, with an average population of 122 to the square mile, no deaths whatever from cholera took place." Since the delivery of Lord Stanley's address, the Registrar-General has said that:—"Of the inhabitants of England and Wales, 8,250,000 persons live on 2,150,000 acres, constituting the urban population. Among these, the death-rate was 25 per thousand in the year; the remaining 9,750,000 live on 350,000,000 acres, constituting the rural population. Among these, the death-rate was 17 per thousand for the year—a difference of 8 lives per thousand." These statements are fully proved by the following tables, in which it will be seen that the more crowded the district the greater is the amount of disease. In Liverpool, Manchester, Hull, Leeds, Bristol, Wigan, Salford, Newcastle, Nottingham, and Birmingham, with a population of 1,165,530, and an acreage of 33,551, there was a death-rate of 28 per thousand. In Aylesbury, Windsor, Hordlow, Woburn, Stockbridge, Whitchurch, Romsey, Colne, Bradford, Croydon, Chichester, and Flegg, having a population of 128,934, and an acreage of 238,592, the death-rate was only 21 per thousand. Whilst taking a still larger area—Hambledon, Mattle, Holtwhistle, Wokingham, Melton Mowbray, Williton, East Ashford, West Ashford, Henstead, Kingsbridge, Holsworthy, Southwell, Garstang, Glendale, Rothbury, with a total population of 217,282, and an acreage of 1,214,977, we find a death-rate of only 16 per thousand. These tables might easily be enlarged;

but it is already clearly demonstrated that the more closely you pack the people together, the greater is the amount of disease and death. Dr. Greenhow, observing this fact, has said:—"In Glendale and Rothbury, both districts in Northumberland, the inhabitants are about—in the first, one to 10 acres; and in the second, one to 21½ acres. At the last census, the deaths were—in the first district, 15 and 1-9th per thousand; and in the second, 14 and 1-50th per thousand; whilst in Liverpool the inhabitants are about 108 per acre, and the deaths 36 per thousand. This consideration of space for the people to live upon is indeed most important, and well worthy of much investigation. Supposing a thousand persons lived on an acre of land, having every other modern advantage for health, possessed of good drainage and ample water, and the same number of persons lived on a thousand acres without any sanitary arrangements, the deaths per thousand would be much greater in the former than the latter." The introduction of wide streets, squares, and open places, in our large towns, is much to be desired; indeed, there is hardly a manufacturing town that is not over-built and unduly crowded. The effect of this want of space is evident in Sheffield, where the results of overcrowding are clearly exhibited by the death-rate.

The unhealthiness of nearly all the various callings carried on in our large seats of trade, is another great reason why the death-rate of towns is higher than that of rural districts; the poisonous nature of some manufactures, the laborious character of others, and the peculiarly unhealthy positions of the workmen, all contribute to increase the amount of disease and death. In country places, farming being the chief means whereby the inhabitants obtain a livelihood, there is little confinement; even the village tailor seldom has sufficient trade to keep him long cross-legged upon his board. How different is it in our busy towns, where the labourer, the artizan, the tradesman—even professional men—are all toiling from morning till night, driven on by competition and the necessities of the age. Tailors, bakers, butchers, innkeepers, carpenters, grocers, stonecutters, and painters, all suffer in large towns; and to these who follow what we may style "general callings," we must add, weavers, spinners, bone-cutters, gutta-percha workers, hair-seaters, grinders, steel melters, file cutters, white lead grinders, chemical workers, armour-plate rollers, &c. Many of these trades are carried on without due sanitary precautions; this is especially the case in grinding, for the fan is often either absent, out of order, or carelessly used. The waste of the human system while engaged in many of the above trades, such as armour-plate rolling, and the unhealthiness of others, such as white-lead grinding, dry grinding, and bone-cutting, add considerably to the excess in the death-rate. To be successful, such trades must be carried on in towns where wealth and labour is found; or, rather, from their own prosperity, such trades will quickly create towns. The health of the town must greatly depend on the nature of its trades. All occupations doubtless have their special dangers, some

seriously affecting life more than others—the shoemaker being subject to injury from his sedentary labours—the weaver, from swallowing small particles of silk or cotton,—the tailor, from leaning over his work—the grinder, from inhaling particles of steel,—the file-striker, from the effects of the lead he strikes upon. The shoddy grinder suffers from the "shoddy fever;" butchers, from scrofula; 30 per cent. of bakers spit blood; milliners and printers die of consumption; and glass-grinders from disease of the lungs. The average age of death of gentlemen, tradesmen, labourers, mechanics, and farmers, in London and Hertfordshire, shows clearly the peculiar advantages of rural life over that of towns; and the difference evidently arises to a great extent from the nature of the calling:—

Class.	London. Average Age of Death.	Class.	Hertfordshire. Average age of Death.
Gentry	44	Gentry	45
Tradesmen	25	Farmers..	47
Mechanics	22	Labourers	39
Average...	27	Average..	40

It should also be remembered that the population of rural places is to a considerable extent fixed; and that, therefore, the deaths are generally those of the regular and natural inhabitants, who in most villages and small agricultural towns consist mainly of the well-off farmer and shopkeeper, and the poor, though not poverty-stricken, agricultural labourer. In rural places, 95 per cent. of the inhabitants are natives of the district, and have been reared almost upon the very spot where they have died. Manufacturing towns are, in this respect, very different, receiving, as they do, the surplus population,—the scum and offcasts of the whole country. The young people who, to better their condition, leave the rural districts for the towns, in the majority of cases prosper, and in time attract their old and infirm parents to live with them. Most manufacturing towns have large free hospitals and infirmaries; and to these institutions flock the diseased and sick from the country places. And as in manufacturing towns the workhouses are closely supervised by the ratepayers, a better and more ample diet is, as a rule, granted to the paupers than in rural workhouses. From this cause, large numbers of the rural poor flock to town workhouses; and comparatively few are again removed to their places of settlement. The death-rate therefore is increased in towns from these two causes. Two-thirds of the deaths in hospitals and dispensaries in all manufacturing towns and also of the deaths in workhouses, are those of persons, who, strictly speaking, are not inhabitants of the towns. A portion of the large per centage of deaths must be attributed to the influx of strangers—a cause totally independent of sanitary arrangements. The regular inhabitants—

those who are born and live in the towns—are those to whom the test of healthiness of locality ought to be applied: the deaths of the fluctuating population can give no satisfactory data. In Liverpool, for example, the deaths in 1858 exceeded the births. But it cannot be believed that the number of what may be called the natural inhabitants of the place is decreasing. The truth, doubtless, is, that in Liverpool there are vast numbers of strangers, and especially large flocks of Irish; indeed, the town is completely flooded by a wandering and uncertain population. The death-rate in Liverpool, therefore, does not indicate the death-rate of the fixed inhabitants, or the unhealthiness of the locality; whereas the children born almost exclusively belong to the resident population. The following table exhibits the births and deaths in the year 1863, in several large manufacturing towns:—

Towns.	Population.	Births.	Deaths.	Excess of Births.
Liverpool	269,742	10,009	9,857	152
Manchester	243,988	9,047	8,071	976
Leeds	117,566	4,864	4,095	969
Sheffield	128,951	5,555	4,403	1,152
Hull	56,888	1,985	1,592	392
Bristol...	66,027	2,286	2,018	268

Total population 883,162
Total excess in births 3,909

Taking a number of rural places, the number of births in the year 1863 is found to be, in proportion to population, greatly in excess of that of the large towns.

Towns.	Population.	Births.	Deaths.	Excess of Births.
Droitwich	19,237	700	412	288
Bromsgrove	26,259	950	557	393
Melton Mowbray	20,171	607	376	231
East Retford	22,677	767	402	365
Shardlow	31,113	1,030	612	418
Wortley	38,513	1,523	845	678
Driffield	19,226	699	426	273
Glendale	13,211	365	209	156
Kendal	37,463	1,193	679	514

Total population 227,870
Total excess in births 3,316

Thus, Droitwich, with a population of 19,237, has an excess of 288 births over the deaths; whilst Liverpool, with its population of

269,742, has an excess of only 152 births. Bromsgrove, with a population of 26,259, has an excess of 393 births over deaths; whilst Hull, with a population of 56,888, has an excess of only 392 births. Wortley, with a population of 38,513, has an excess of 678; whilst Sheffield, with a population of 128,951, has an excess of only 1,152. It will thus be found that in all towns where there are large numbers of strangers, the births will be but slightly in excess of the deaths; but as the populations become more stationary, the births largely predominate. Bath is a striking illustration of this fact. In this city—the most beautiful in England—full of wide and well-built streets, with spacious squares, crescents, and parks—containing a population rich and well educated—having magnificent baths and hot springs, free to the poor and well attended by all classes—and possessing nearly every natural and artificial sanitary advantage—in this model city, with a population of 68,338, the excess of births is only 232. Yet no sanitary enthusiast would for one moment say, that Bath was an unhealthy city; on the contrary, it possesses every means for producing longevity. The excess of deaths is not caused by the natural inhabitants, but by the strangers. Valetudinarians from all over the kingdom, if not the world, fly to this city of palaces, vainly seeking that health they never can obtain, and, dying there, thus heighten the death-rate.

It is evident, therefore, that a large amount of the disease and death occurring in our manufacturing towns is attributable to many causes besides those which are preventable by legal sanitary measures; that the excess of disease will never be removed without an elevation of the position, feelings, and circumstances of the people, which cannot be effected merely by legislation.

More space to live on, freedom from injurious trades, habits of cleanliness, airy dwellings, good and sufficient food, warm and appropriate clothing, exercise, temperance, increased morality, careful nursing of children, and less poverty, are all of vital importance for ensuring good health and longevity. In Paris, it was found that when the different districts were compared with respect to their number of poor, the mortality year by year, was in exactly the same ratio as the poverty. The poor of our large towns toil hard from hour to hour to earn the scanty wages on which they live; before the dawn of day they are at their labour; whilst their humble beds—too often but the straw covered floor—alone see the end for a brief time to their exertions. Their meals are few, irregular, uncertain, and, even when secured, consist of food which is but slightly nutritious, and which very imperfectly recruits their wasted strength; stale potatoes and other cheap vegetables, fag ends of low-priced meat, often diseased, stale herrings, and the refuse of cheap pork shops, often form the staple dinners of the poorer classes; and even when a superior kind of food is purchased, the quantity is generally too small to satisfy the natural hunger. Indeed, few of the rural districts of England contain such poverty and misery as can be seen in every one of our large towns, where many die, if not from

immediate starvation, at least from diseases whose origin can easily be traced to bad or insufficient food.

Drunkenness, another great cause of disease and death, is comparatively but little known in rural districts. The village ale-houses are comparatively few, and are frequented by a class that may be considered almost temperate. In our manufacturing towns, in addition to the great number of inns, taverns, hotels, and beerhouses, there are temptations to inebriation which are perfectly unknown in country districts: the glaring gin palace, the casino, and the seductive music hall lead hundreds to the drunkard's doom. Much of the disease and death in our towns must be attributed to this cause. In Sheffield, there are 552 licensed houses, and 743 beershops; and all other large towns are equally well supplied. Drunkenness also leads to immoralities that in the end prostrate the system, and cause a large number of weak and sickly children to be born, only to prematurely die.

Another great cause of the excess of deaths in urban districts may be found in the neglect of infant life. Can we wonder that large numbers of infants die in our manufacturing towns, when we see to what a poor and degraded class a large portion of the inhabitants belong? The mothers, being unused to comforts themselves, and enduring, as they do contentedly, numerous privations—surrounded by filth—badly fed—worse housed, and scantily clothed—the infant has to participate in sufferings that must in many cases inevitably result in sickness and death, whilst in the earliest stages of disease it often lacks that medical attention so constantly necessary. The mother, through being badly fed, has little support for her infant, and too often disease is its only inheritance. Thus, large numbers either die at birth, or before many months old, from inanition, atrophy, convulsions, and debility. Infant life depends more upon the degree of health and comfort enjoyed by the mother than upon anything else. Even at birth, the influence of the mother's condition upon the health of her offspring, is strikingly manifested in the much larger proportion of children born dead, when the parents have been exposed to physical or mental sufferings. In the present state of society, many of the comforts, and even some of the necessaries of life, are beyond the reach of the poorer classes; and this circumstance will be found to operate largely in diminishing the chances of infant life amongst them. In small towns or villages the infant, as a rule, is tenderly cared for; the cottage, though humble, is clean; the mother is usually comparatively strong, and able to support her child; and both she and the father are also generally more free from disease than the inhabitants of large towns.

The loss of infant life continues beyond the age of one year, for in our large manufacturing towns one half of the deaths occur under five years. In 1863, the deaths in Sheffield, from birth to five years old inclusive, amounted to 61 per 100, and in 1864 the deaths under five are 53 per cent. of the entire deaths.

The want of domestic and personal cleanliness also much heightens

the death-rate of urban districts. Among a very large number of the residents in our great towns, health is destroyed by this sad want. It is one of the greatest causes of some of our most fatal epidemics; it is often far more influential in the production of fever than defective public sanitary arrangements can be. No laws can wholly remove this evil, though it may be greatly diminished by the operation of the Act empowering Town Councils to erect public baths and wash-houses, by means of a rate. It is a primary duty of every Town Council to erect such places, so that the people may have the means of procuring that ablution which is so essential to health and comfort. Some towns have already taken advantage of the Baths and Wash-houses Act; in Sheffield, however, we have no baths adapted to the working classes.

Many other causes, especially long hours in factories, contribute to produce the high death rate in manufacturing towns, and from all of them, Sheffield, like other manufacturing places, suffers to an extent unknown in rural towns and villages.

The only just way of comparing urban with rural districts is to classify the various parts of the country, according to their character —rural districts with rural, and all towns in accordance with the trades carried on in them. The elevation of the masses of the people, increasing their intelligence, enabling them to comprehend the necessity for strict and constant attention to the natural laws of health, appears to be the only means of giving even hope for a large increase of the health of the people. It is evident that many of the greatest causes of disease and premature death cannot be removed by legal enactment; but, whilst men eat what the stomach cannot easily digest, disorder the system by drunkenness, labour beyond their strength, and indulge in vicious pleasures, and while poverty, wretchedness, and ignorance prevail, so long will men be prematurely cut down by the unpitying hand of death. To elevate, then, the morality of the people—to diminish their labour and increase their comforts—to inculcate habits of cleanliness—to prevent drunkenness—to give to all the necessaries of life, in houses where the sanitary arrangements are good—should be the constant aim of those who desire to benefit their fellow-creatures. The masses of the people do not live in squalid misery from love of it, but from sheer necessity and ignorance.

The Familistery, or Workman's Home, in Guise, France.
By George Godwin, F.R.S.

Every earnest and well-considered attempt to provide for the working classes healthful and proper homes, is entitled to the recognition and most considerate attention of this Association. How much more so, then, an undertaking which professes, and with evidence of success, to add to this advantage the means of cheap

living, of wholesome recreation, and the education of the children; with, further, an interest of 6 per cent. on the capital employed to bring about this most desirable end. How the last result is obtained is not obvious to those who are acquainted with the proceedings of societies in this country who have sought to provide for their fellow-countrymen only a portion of these benefits; but such is the assertion of M. Godin-Lemaire, who has built a handsome structure for his workmen and their families, in Guise, near St. Quentin, France. Mr. Tito Pagliardini, a member of the Association, has just now made the Council acquainted with some particulars of this interesting undertaking, and I have been requested to place a brief digest of them before the Health Department.

M. Godin-Lemaire is a large manufacturer of stoves and ranges, employing more than 700 men, and has realised a fortune. He desired to let his workpeople participate in his success, and the step he took with that end in view, was the erection of two handsome and substantial structures, to give a strictly private home to each workman, combining with it the nursery, where his wife, while engaged at work, may deposit her infant; the infant-school, where his children, between the ages of two and five, may be gradually prepared for the school, properly so-called, in which their education may be carried on until the age of twelve; fitting them not only for their industrial calling, but for the proper fulfilment of their other social duties; playgrounds, where, by healthful exercise, their physical development shall be ensured without necessarily exposing them to the baneful influences of the street; stores, where provisions and garments may be procured at wholesale prices; reading-rooms, baths, wash-houses, all, in short, that can render home healthy, attractive, and elevating.

Another pile to be put up presently, and enclosing, with those already erected, a vast court, will complete the work. The buildings, externally, are architecturally designed, ornamented with coloured bricks, and made to take a dignified character. The principal block forms the side of a square about 262 feet wide, and has in the centre of it a court about 148 feet by 66 feet, covered with a roof to form a playground for the children, and having special means of ventilation. The gallery-plan, as we term it, with external staircases, is adopted to give independent access to each set of apartments, and seems to be less known in France than here, as it is described as a novelty by those who have given particulars of the Familistery. The galleries are termed by them "hanging streets"—they are formed in this building simply by carrying the joists of each floor about 5 feet beyond the walls—boarding, and a light iron railing at the edge, complete them. It is a mediæval plan, exemplified in many of our own ancient inns, and to which we returned some few years ago, when the movement was first made in England towards obtaining decent lodgings for the labouring-classes of the metropolis.

As the Association has not yet before them a plan of M. Godin-Lemaire's buildings, it will be better not to offer any opinion from

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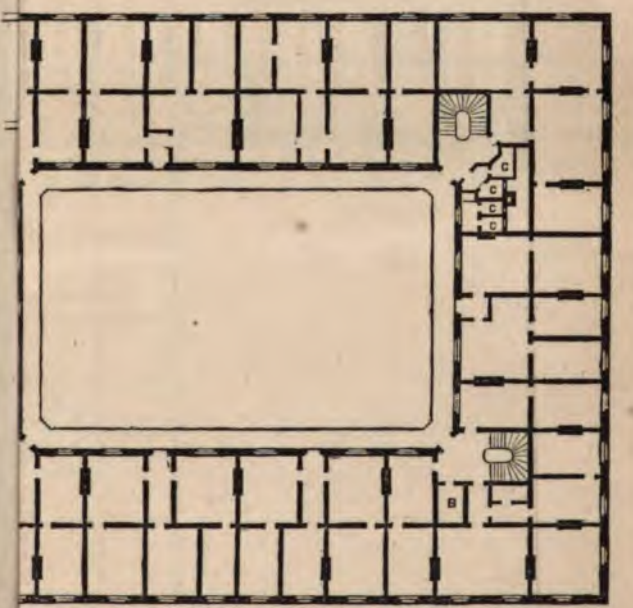

PLAN OF ONE PAIR FLOOR (THIS PORTION

written description of the internal arrangement of the rooms. Water is provided on every floor, allowing of the daily consumption per head of eighteen quarts. Each set of apartments has store-closets, with drawers and shelves; a shoot to the dust-hole below, for the refuse, which is removed every day; and the use of a vault under the building. The fire-place in each room is supplied with air from without; and all the partition-walls are of brick, so that one neighbour may not overhear another. On each landing are English water-closets. Liberty, privacy, and cleanliness, are three of the chief points aimed at in the establishment. "May God aid us, and man be favourable," was M. Godin-Lemaire's invocation, on laying the corner-stone of the building. He desired to give his workmen a home that would raise their self-respect, develope their personal dignity; and he has nobly carried out his desire. Many further advantages, as I have said, are afforded. The wives are enabled to employ some of their time profitably in the general cleaning, apart from that required in their own apartments. A nursery, which he calls the *pouponnat*, is provided for children from their birth till about two years old; for such mothers as may desire at times to make use of it, a preparatory school (the *bambinat*), for children between two and five; and a more advanced school for those between five and twelve. The wives and daughters supply the nurses; and a highly-educated young lady, a relative of the proprietor, has the general superintendence of these, and of the school. A visit to her house on Sunday is one of the great rewards of the scholars. The School is carried on by a young professor from Paris. No one is bound to send his children to it, any more than he is bound to live in the establishment. The school and nursery cost the parents nothing, being included in the rent. And now, what is the rent charged for these advantages? The unfurnished apartments are let at the rate of 3*s.* 9*d.* per calendar month for each room! A furnished room for a single man, containing an iron bedstead, two mattresses, chairs, table, washhand-stand, slop-pail, looking-glass, two clean towels a-week, the bed-linen changed twice a month, the bed made and room set right every day, costs 6*s.* 8*d.* a month. While a separate bed in a dormitory attached can be obtained at one penny a-day!

How then, say those who have built houses for working men, and cottages for their labourers in the country, can any interest at all on capital invested be obtained, still less 6 per cent. as stated? The solution of the problem would seem to be, at any rate, aided by this; that on the ground floor are retail shops, where, for a sum including a small percentage above the wholesale prices, butchers' meat, vegetables, ready-made clothes, in fact, everything required by the tenants, can be obtained. The workmen are given fully to understand that nothing is gratuitous; they pay for all they have, but through good arrangements get comforts cheap, and yet give the proprietor good interest for his money. I should add that there is a *restaurant* where the unmarried man can get his meals at the cost of

from 8*d.* to 1*s.* per day; baths and wash-houses can be used at a small charge; a medical man calls every morning, paid by a mutual benefit society established amongst themselves, while a musical association of eighty of the tenants contributes to the general enjoyment. The picture is so charming that were it merely of what might be, many would hesitate to admit the probability of its realisation; but when we find that it represents what has been going on for four years, all must admit that it deserves, at any rate, to be further examined. It has been suggested that a deputation of members of the Association, who would make a journey to Guise and report fully the result of their investigation and inquiry, would do good, should their report confirm the truth of the statements that have reached us, by leading to the formation of similar establishments in this country. Meanwhile, let us do honour to the noble endeavour of M. Godin-Lemaire to elevate the condition and promote the well-being and happiness of those who, by the right discharge of their duties, contribute in their turn to his own prosperity.

HEALTH.

President.

EDWIN LANKESTER, M.D., F.R.S.

Vice-Presidents.

GEORGE GODWIN, F.R.S. | Mr. ALDERMAN W. FISHER, J.P.
HENRY JACKSON.

Secretaries.	Local Secretaries.
WM. HARDWICKE, M.D.	J. DANIEL LEADER.
ROBERT RAWLINSON, C.E.	JAMES ALLAN, M.D.

This Department considers the various questions relating to Public Health; it collects statistical evidence of the relative healthiness of different localities, of different industrial occupations, and generally of the influence of external circumstances in the production of health or disease; it discusses improvements in house-construction (more especially as to the dwellings of the labouring classes), in drainage, warming, ventilation; public baths and washhouses; adulteration of food, and its effects; recreation and amusement; the functions of Government in relation to public health; the legislative and administrative machinery expedient for its preservation; sanitary police, quarantine, &c.; poverty in relation to disease; and the effect of unhealthiness on the property of places and nations.

SUMMARY OF PROCEEDINGS.

THE following special questions were discussed in this Department:

"In what way can the unnecessary Exposure of Workmen to dangers of Life or Health be best avoided, especially in Collieries, Mines, and Manufactories?"

"What are the best means, of preventing the spread of Contagious Diseases?"

"To what extent can the Contamination of Air in Towns be diminished, and by what means?"

In addition to the papers printed in the foregoing pages, the following were read in the Department.—

"In what way can the Unnecessary Exposure of Workmen to dangers of Life or Health, be best avoided especially in Collieries, Mines, and Manufactories? By W. T. Maddison.

"The Cattle Plague." By Professor Gamgee.

"The Use of Dry Surface Earth as a deodoriser, and in the removal of excrementitious matter, preventing and diminishing the Contamination of Air in Towns." By the Rev. Henry Moule.

"On Warming and Ventilation." By W. Corbitt.

"The United States Sanitary Commission." By the Rev. W. H. Channing.

"On Criminal Infant Mortality." By W. E. C. Nourse, F.R.C.S.

"Home for Destitute Women and Children." By the Rev. W. W. Malet.

"A few thoughts on Infanticide." By M. A. Baines.

"The late Dr. Carson's Method of Slaughtering Animals for the Food of Mankind." By P. M. Carson.

"On the moral treatment of Insanity." By J. A. Blake, M.P.

UNHEALTHY OCCUPATIONS.

"*In what way can the unnecessary exposure of Workmen to dangers of Life or Health be best avoided, especially in Collieries, Mines, and Manufactories?*"

IN addition to the papers by Mr. Holland and Mr. Hall, printed at p. 377, 382, Mr. William Baker gave an account of the Sheffield Lead Works, employing forty men and twenty women. The following is an abstract of his paper:—

The separate departments are the following:—1. Lead Refining; 2. White Lead; 3. Red Lead; 4. Paint Grinding; 5. Cooperage.

1. *Refining Lead.*—Two men are constantly employed; sometimes four. Their work consists in transferring the lead from one pan to another. The lead is not kept at a high temperature, and with ordinary care in removing the dross these men need not be exposed to any dust of oxide. The refining house is spacious and well ventilated. The men employed exclusively in this department do not appear to suffer in any degree from lead poisoning, although, of course, subject to the atmosphere of the white lead department, immediately

contiguous, and through which they may pass during the day. One man thus employed has lived in a house in the yard for many years.

2. *White Lead.*—The chief number of men, and all the women except one, are employed in this department. When the carbonate of lead is taken off the beds, which is done by hand, it is immediately wetted and crushed under rollers, supplied with a shower of water, and the white lead pulp, after settling, is transferred to the drying stones. Cleanliness is enforced as much as possible on this class of workpeople, and it is found the more intelligent, who generally pay more attention to this matter, do not suffer so much as the ignorant and dirty. Attempts have been made to provide respirators to be used when the dry lead is being packed, but the workmen invariably frustrate these good intentions.

3. *Red Lead.*—Three men and one woman are employed. Although the red lead dust thickly covers the walls about the factory, these men do not suffer in any degree to be compared with those in the white lead department. The insolubility of red lead may to some extent explain this result.

4. One and sometimes two men are employed in *Paint Grinding*, where the dry white lead is mixed with oil. A steady, cleanly man may work a great many years without suffering materially from lead poisoning in this department. It has been observed that, when attacked with lead sickness, the seat of pain or disorder is more frequently in the head, although paralysis of the hands also supervenes.

5. The *Coopers* necessarily are exposed to dust in heading up dry white lead casks and repairing old ones, but they also suffer in a less degree than the white lead workpeople. It is found that some constitutions become acclimatised better than others, and two men are now employed who have been in the lead works 30 years; others have been 6, 8, and 12 years respectively. The present foreman has been in the place for 24 years without having suffered from a direct attack of lead poisoning. The men are freely supplied with the common remedies, but are always urged to put themselves under medical care, which is provided by the firm, and they receive a weekly gratuity while on the sick list. A daily allowance of a pint of beer is served out in the morning and afternoon. A new hand coming to work in the white lead department will be taken with lead sickness in about 4 or 6 months' time on an average, but often in 12 or 13 weeks.

Mr. Maddison read a paper on the Condition of Coal Miners, in which he urged the importance of intelligence among the workpeople themselves, and the necessity for teaching them the principles and use of the safety-lamp. He threw upon the owners of mines the onus of providing the best possible machinery of every kind and of keeping it in working order, and suggested that the inspectors of mines should examine the boys as inspectors of factories do, in order to secure their education under the Act. Efficient managers and strict discipline were also required.

DISCUSSION.

Mr. Edward Smith: I have great pleasure in responding to the call of the chairman to say something on this very important subject. As, however, there are some strangers present, who may not know with what authority I speak on the subject, I may mention, in starting, that I have been for 20 years the owner of grinding-wheel property, and during that time have been daily in the habit of going among that class of men. I can, therefore, from personal observation, speak to the accuracy of all those things which Dr. Hall has so graphically described; in fact, I may say that he has not painted half the evils of the system. When I first became acquainted with the work I went in among the grinders, and had a great deal of conversation with them. Now and then I would go into the fork-grinding halls, where the air was so loaded with dust and steel particles, that as soon as I opened the door I began to cough, and I have said to the men, "What are you doing, living in such an atmosphere as this?" and throwing away your lives. The men took in very good part all that I said, but the question arose—What is to be the remedy? That was the real difficulty. Now I very much approve of Dr. Hall's suggestion, that there should be a classification of the grinders. Dry grinders should never be allowed to work in the same room with other workmen; and I should very much wish to see a limitation of the age at which boys go to the trade, whether it be dry or wet grinding. It is not necessary, for the gaining of skill in grinding, that they should go when very young to commence their apprenticeship; and the reason of their being sent at so early an age, in the great majority of cases, is that it is a convenience to the father. I would, therefore, have a limitation of the age at which boys should begin to work. The limit might vary according to the class of work to be done; but at all events I would have the limit fixed high enough. Grinding is not a trade that must necessarily be learned young; and boys can begin it later in life than some other occupations. Then, again, I think that some arrangement might be made for enforcing the use of fans. There was an idea which, I think, was a mistake, that it was the metallic particles that did the mischief to the grinders; and there was a metallic apparatus suggested for catching, at the mouth, these particles, but I believe it is not so much the iron as the sand-dust from the stones that gets into the lungs. "Well," I said to the men, "this is not an atmosphere for you to live in. What are you to do? You must get fans, and you must insist on their being used." "Oh," was the reply, "we should only be too glad, but we poor fork-grinders cannot afford it. We are run down in price, and we have not money enough to buy fans." "Well," I said, "if you are in earnest I will show you what I feel in the matter. If you will promise that you will keep them in order, I will put up a fan at every trough, and they won't cost you a shilling of expense." Well, I got the fans fitted up, but when I entered the room about a month afterwards, I found two or three of them not working, but in a dilapidated condition, and the dust was as bad as before. "Well," I said, "you promised that you would keep the fans all right and in working order; have you done it?" One man turned round and blamed the lad behind him, and began to scold him for his neglect, but I could see the real fact was that the men did not want to use them. Another man said they could not get the use of them without much bother; he said the fans required to be altered every time they shifted the stone. I think it would be well if the racing of the stone were limited to a certain time of the day—say before breakfast in the morning—and that the employment of fans should be enforced. But I admit that there would be great difficulty here. I admit that, whatever regulations might be made, it would be very difficult to get the men to carry them out. Masters might by law be compelled to put up fans, but they could not see that they were used. To do this would require a policeman in every room, and I would not envy that man his post, for I am sure he would have very warm work of it among a set of grinders. I believe, however, that if the great injury to life and health, resulting from the present system, were brought properly before the men, and their wives and families, they might come to some agreement among themselves, and have it established as one of

the regulations of their trades' unions, that any man found working without a fan should be subjected to a heavy penalty. I believe that would be the only effectual way of correcting the mischief; and that is the main point on which I differ from Dr. Hall. I think that the idea of getting masters to enforce on the men the use of fans is not practicable. The masters cannot enforce the use of them; but the men may do so of themselves by means of their trades' unions. The use of fans is becoming more and more necessary. We have great changes taking place which are bringing a great number of workpeople from country places. My family was connected with the erection of the first steam-grinding establishment. These changes brought down many people to Sheffield who were formerly in airy situations in the country, where they had good health; but, coming into the close work of the town, they have become accustomed to town habits, and to town intemperance, which I believe after all is the greatest evil that afflicts the grinder. If I were asked my opinion, whether most men met their death through the practice of dry-grinding or through the beershop, I would say it was by the beershop that certainly the greatest number was carried off.

Mr. John Wilson, grinder: I believe that there are many difficulties in the way of enforcing the regulations suggested by Dr. Hall. I believe there would be great practical difficulties in the classification of the grinders. You might have wet grinders all working together, and yet find great difficulty in the way of promoting ventilation; and I believe that the classification of the grinders would involve the re-modelling of some of the largest works in the town. The fact is, that while one man, whose work involves a good deal of physical exertion, may be able to keep himself very warm, another, whose work is a deal lighter, may be getting very cold, from the means used for ventilation, and which are supposed to be for the preservation of health. One class of workmen, in fact, might be starving from cold, while those in the other classes were working in a state of perspiration. The man who is working at a heavy job is nearest to the fire, and is therefore hotter than some of his neighbours; hence the difference of opinion as to the means that should be adopted for the purpose of ventilation. There is no doubt about this, that the grinders are not so amiable to each other, or so amenable to the rules of civilised life, as they might be. Some will have their windows to remain open, and others will have them shut: and these differences of opinion prove very annoying on many occasions. A grinder holds, that his employer has no more right to come into the place where he works, than he (the employer) has to come into that grinder's own private house, and dictate as to what he shall do in it. Then, as to the fans, there is great difficulty in keeping them in working order. When Messrs. Rogers and Sons built the wheel at which I work, they put in what were considered model fans; but they were soon out of order. The success of fans does not depend upon the money they cost, but on the principle upon which they are constructed. I repeat, that there are difficulties surrounding the question, but I am not sure that the best way is not to leave it to the settlement of the grinders themselves. I know that there are many grinders much older than what is called the average age, and who have worked continuously at their trade; but these are the steady men, and I entirely repudiate the notion that the drunken grinders are the longest livers. The thing is preposterous, and contrary to the facts. I don't think it is necessary for the men to get drink in order to prolong their lives; and I do not admit that there is anything of a low physical type in the grinder. The sports of the Sheffield Football Club were contested by all the cricket and athletic clubs of the town and of the neighbourhood for 50 miles round, and the man who won the prize on the last occasion, for vaulting over a string at a great elevation, was a grinder. At the athletic sports connected with the establishment at which I work (Messrs. Rodgers), the prizes for the 600 yards and the 300 yards races, the running leap and the veteran handicap, were all won by grinders. I am myself 44 years of age, and have been employed 33 years in a grinding-wheel, and I have never yet felt any great difficulty in going up hill. Every time I go to work, I have to go up 43 steps, and I can ascend them as quickly as most men of my age, whether grinders or not. In the hull in which I work we have as

fans, but before we did away with fans, we did away with the drystone. With reference to the limitation of the age at which children are sent to the grinding-wheels, I think that is very desirable indeed. I should like to see it brought about by a higher state of morals on the part of the parents, though I know that in many cases children are sent early to work from necessity.

Mr. E. Smith: I presume it is quite well known that Mr. Wilson is a practical man, a mechanical man, and that therefore his opinions are of great importance. I beg to ask him, then, whether everything that is now done by dry-grinding, could not be done quite as well by wet-grinding, if more time was given to it?

Mr. Wilson: No; that is a fallacy. I believe that the grinding of razors is impossible with the wet-stone. If they could not be ground dry, they would require to be shaped with a file.

The President; And is that the only exception?

Mr. Wilson: No, there are needles, scissors, &c.

The President: Because, I thought if that was the only exception, if men would only cultivate their beards, and give up shaving, the difficulty would be removed. May I ask you, Mr. Wilson, whether you think that drunkenness is diminishing among your fellow-workmen?

Mr. Wilson: Most assuredly.

Dr. Stevenson Macadam, Edinburgh: I think, Mr. Chairman, that however healthy such intelligent grinders as Mr. Wilson may be, the Department should not forget that the startling fact has been brought before us, that the death rate in Sheffield among all classes is 34 in 1,000, which is certainly 10 in 1,000 above what it ought to be; and this mortality takes place in a town peculiarly favoured by its natural position for being a healthy residence. The hill and dale character of the district facilitates proper drainage being carried out, so that all the sewage could be carried away from the town; and the analysis of the water referred to by Dr. Hall shows that the town of Sheffield is supplied with water of better quality than most towns; indeed, only two or three places, such as Aberdeen and Glasgow, can boast of enjoying the advantage of water of such purity. In regard to the special ailment of the grinders, and the means of arresting the cause of it, I consider that the fan arrangement is the only safeguard, as anything in the shape of a muzzle or respirator would never be tolerated by the workmen. Several ineffectual attempts have been made in other branches of industry to employ respirators, but have failed, owing to the inconvenience attendant on the practical use of them. The late Professor George Wilson, fifteen years ago, endeavoured to persuade the stonemasons of Edinburgh to wear a respirator to protect them from the fine stone particles or dust which were inhaled by them when dressing the stone. The respirators were made of thin horn, perforated, and covered with thin woollen cloth. They were very light, and easily adapted to the mouth and nostrils; but the workmen found them inconvenient to wear, and they tended moreover to retain the heat naturally lost by respiration, so that the men became disagreeably warm. I have myself worn this muzzle or respirator for some hours at a time, and the consequence was that, even in the absence of manual labour, the animal system became uncomfortably hot. Many of the stonemasons of Edinburgh have since learned to wear moustaches with great benefit, in the arrestment of much stone-dust which would otherwise enter the lungs. Another attempt to introduce respirators was made by Dr. Stenhouse, of London, some years ago, when he constructed his charcoal respirator, to be worn by men whose employment necessitates that they enter common sewers, and other places where noxious gases or organic effluvia are generated, and are present. This respirator was a small wire cage filled with chips of charcoal, and covered with thin cloth. It was quite efficacious in arresting the gases, but the heating effect of using such a respirator, owing to the charcoal being a bad conductor of heat, and the animal warmth being retained, was such that the workmen could not be got to use the respirator. I have also tried this respirator, and am satisfied that there is good reason for considering that it is uncomfortable to wear, though efficacious in its operation.

Mr. Rawlinson, C.E.: I have heard the papers read on this subject with very great interest indeed. The general mortality, I find, in Sheffield, is 34 in 1,000. This means that the death rate in this town exceeds what it ought to be

to the extent of somewhere about 2,000 persons per annum. The mortality in London very little exceeds 21 or 22 or 23 in 1,000. I may state that in Sheffield, the municipal body, up to a very recent period, were not possessed of the necessary powers to carry out proper sanitary arrangements. The Town Council recently possessed itself of these powers, by placing themselves under the Local Government Act; I know it is in contemplation to take up the question of sewerage and drainage, and to carry out certain improvements in that respect, and I do hope and believe that the Sheffield of a few years hence, will present an aspect very different indeed from the Sheffield of to-day.

Dr. Hall, in reply: I think that the little cesspools which formerly existed in almost every house, have by a system of sewerage been collected into an enormous cesspool without any ventilation; but I trust that the day will come, when the sewage will be kept out of our rivers, and that means of poisoning the inhabitants avoided. With regard to the remarks of my friend, Mr. Edward Smith, I do not agree with him in reference to the fan. I believe it to be quite possible to compel grinders to have a fan attached to their wheels as part of the machinery. The result of my inquiry amongst intelligent grinders, is that unless the masters put up the fans, they would not be put up at all; and when they are put up surely a man that is sharp enough to look after the men paying their rents, and is in the hulls many times a day, could see that the fans were in use, and that the men were not destroying themselves. I have been shown how the fan can be applied to the racing of the stone, and I believe it might be adopted to a considerable extent. If the workmen were to cover their mouths with a handkerchief, I believe that much of the evils arising from the process of racing the stone would be done away with. I am glad to see Mr. Wilson here, and to have heard him take part in this discussion. I am sure that in the facts he stated there was not the slightest exaggeration. But Mr. Wilson is not even an average specimen of the class of grinders; he is the exception, and not the rule. He was fortunate in being apprenticed to a master who did not beat him, and who gave him sufficient food, and being an intelligent and steady young man he has educated himself at the People's College, with the result that you have seen from the manner in which he has addressed us to-day. As I have said, he is not a fair specimen of what the grinding class of workmen are in Sheffield. Most boys are sent to the razor and scissor grinding at a very early age. They are quite uneducated, their parents have been uneducated before them, and the children that grow up are just the type of those that have passed away. The evidence taken by Mr. White for the Children's Employment Commission, shows an amount of ignorance, moral and religious, that is fearful to contemplate; and if the grinders had only had black skins, and lived two or three thousand miles away, we would have had all kinds of philanthropic movements on their behalf in operation years ago. I do trust that the result of this meeting, and the result of our discussion here, will be to direct public attention to the subject, and I believe that the philanthropy of the manufacturers and merchants of Sheffield will not allow that class of our community to remain much longer in their present condition.

CONTAGIOUS DISEASES.

"What are the best means of preventing the spread of Contagious Diseases?"

Dr. Lankester opened the discussion with a *resumé* of that portion of his address which treats of contagious diseases. The papers of Dr. Milroy, Mr. Jackson, and Mr. O'Callaghan, printed at pp. 403, 413, 415, were also read under this question.

Discussion.

Mr. Philip Holland: In the first place I must take exception to the theory insisted on by Dr. Lankester in regard to all zymotic diseases being contagious. I hold that this is not the case—that the rise and spread of these

diseases is not always due to contagion, and I also hold that the precautions taken to prevent the spread of these diseases are often the means by which they are spread still more. There are the quarantine laws, which, as intended to prevent the spread of disease, I believe to be altogether a mistake, and the operation of which is simply ridiculous and tyrannical. One instance illustrative of this I may mention. There were lately a lady and a gentleman coming from the Mediterranean who, it was suspected, were affected with a contagious disease. They were taken to Malta, and confined in a prison worse than any in which felons are put in this country. There they had £10 10*s.* to pay for their lodging, and 15*s.* to the person who kept them in it. I conceive that such confinement is exceedingly dangerous. It is a great mistake to crowd infected persons together. They ought to be allowed to spread themselves in a wider area, and by that means the danger would be lessened. There is, I believe, great danger, as many instances have shown, in treating diseases as contagious when they are not so: and in my opinion, the real protection against the spread of a plague is to be found not in the observance of the laws of quarantine or anything of that sort, but in providing for free ventilation. I believe that we have killed thousands upon thousands of people by acting upon a false theory. The doctors who attend patients, and in order to do so have to go to the very seats and centres of disease, seldom suffer from it or convey the contagion to other places. And what is the reason of that? It is quite plain. They may visit a place where there is a great deal of dirt and bad air, and with very imperfect ventilation, but they don't dwell in the midst of these elements that are so very favourable to the spread of disease. The places where the doctors themselves reside are well aired, and, generally speaking, in every other respect remarkable for the sanitary arrangements observed in them, and the consequence is that any poison that may be carried away by them from a contaminated atmosphere is, to a great extent, indeed wholly deprived of its capability of spreading the disease. Take typhus fever. We do not merely find it spreading from one individual to another, or from one centre to another, but we find it seizing and attacking thousands at once. The fact that after it has made its appearance it may spread by infection is no evidence at all that the disease arose from infection; the probabilities, I believe, are all against that. If the disease arose in a certain spot, and then spread round and round, it would be a fair conclusion that it was brought to that spot by something which we could not trace, and that then it spread from infection; but if we find that the disease has arisen at many spots simultaneously without the slightest apparent connection between its prevalence in the one place, and in the other, then the plain inference, I say, is that it has arisen from something else than contagion. Now it has also been stated that the disease may be carried and spread by water, and reference has been made to the case of the pump in Broad Street, Golden Square. In that case it was found that there was a sewer beneath, through which the sewage percolated, and thus rendered impure the water of the pump, which, in its turn, injuriously affected those who drank it. I think it is altogether begging the question to say that, in that case, the water brought the disease. That it brought something that might have rendered those people liable to disease is probable enough, and much more probable, indeed, than that it had brought the contagion or the disease itself. I admit that typhus fever may spread rapidly from infection, but it must first be created, and I believe it is manufactured in this country. I believe it can be manufactured as certainly as saucepans, and that overcrowding and insufficient ventilation are two of the elements by which it will certainly be produced. We have striking evidence to the fact that as the disease can be produced where the circumstances are favourable, so its progress can be very much checked by the adoption of certain sanitary regulations. There was one point touched upon by Dr. Lankester which I hope will receive attention, and that is the great value of oxidization in destroying infectious matter. Now, leaving aside the question whether the infectious matter produces, or merely helps the spread of the disease, it is of the utmost importance that anything about which such matter is suspected to be, from its having been in contact with an infected person, should be exposed to the purifying influence of hot water. "Boiling water," is a defined point that everybody knows, and it cannot be too well known that these

poisonous matters, when exposed to the action of boiling water, lose any dangerous power of which they may be possessed.

Mr. George Godwin, F.R.S.: I do not believe that any one will insist on a theory declaring that scarlet-fever, and other contagious diseases, cannot be suffered from or contracted, except by contagion. I do not think there is any way of getting over this fact—that there must have been a first case without contagion. I find that in London, the localities where the greatest number of fever cases occur, are those in which the people are most exposed to infection or contagion, from simply living under certain conditions that bring about that result. Now, if I were asked what are the best means of preventing the spread of contagious diseases, I would say that you should give the people plenty of pure air, plenty of pure water, and plenty of good food; and I would believe in these more readily and more confidently by far than in obnoxious quarantine regulations, which, in my opinion, have the effect of exposing men and women to all sorts of disorders. Fear has also a great effect; for those that keep themselves in a constant state of fear and alarm, very much dispose themselves to take these disorders. Fear, in fact, often brings disease upon a patient sooner than it would otherwise have visited him. On entering Sheffield the other day, and going into my room in the Victoria Hotel, overlooking the river Don, I found the smell to be of that terrific description, that it seized me, and I suffered for two hours extreme illness. Now I would have you remember the case of the pump in Broad Street, Golden Square. It killed 500 people in three days. And why did the water of that pump kill the people? Because there were cesspools in the area of the houses close by the pump, and the matter, percolating from the cesspools into the well, poisoned the water, and so was fruitfully productive of disease and death. Now, remembering that case, I would have the people of Sheffield to look at the river Don, and ask themselves the question—in what state would the town be if it were visited by cholera? The condition of that river, which is nothing more nor less than an open sewer, is a perfect disgrace to any town in England.

Mr. Edward Smith: I believe that the primary cause of the disease and mortality which so much prevail amongst the working class is nothing else than drunkenness. The cruelty exercised on wives and children by men of this town who spend their money in the early part of the week in the beer-house, is about the grossest that could be well perpetrated. I have been for many years connected with a society for bettering the condition of the poor, and my experience tells me that nothing can be done towards raising the people to a better state, until they can be made to abandon drunkenness. I should like very much to have a return if we could get it voluntarily from the workmen, of the amount of money they spend weekly at the beer-house. I think if they were to be honest and tell you what they spent in that way, you would see that they leave very little to provide the necessaries of life to their families. I once asked a workman how much he spent in drink, and his reply was, "Well, I think you might put me down at 8s. a week, and I don't consider that I am what you would call a 'drunken' man." No wonder that they live in such fever-beds as have been described. The state of poverty to which they are continually reducing themselves prevents them from improving their condition. I believe that at the bottom of all the evils under which they lie, is the habit of intemperance. It not only keeps them down in the world, but low in their physical condition, and predisposes them to cholera and other contagious diseases.

Mr. Mort, Chairman of the Health Committee, of Birkenhead: As the subject before us is the spread of contagious diseases, I may mention that the typhus fever has been raging in Liverpool. It is now considerably abated, but it has carried off thousands of the inhabitants, and as we in Birkenhead had only the breadth of the river between us and the seat of the disease, it was naturally a matter of considerable anxiety to us whether the fever would spread to our community. The interchange of traffic between the two sides of the water is immense. The number of passengers who cross by one ferry alone, is estimated of no less than 8,000,000 of people per annum. It was therefore not unnatural to expect that the fever would become, in Birkenhead, as serious in its ravages as it was in Liverpool; but strangely enough this was not the case. While it was

devastating in a frightful manner the lanes and alleys of Liverpool, it prevailed with us to a very small extent indeed. There can be no doubt that this was to a great extent to be attributed to our excellent sanitary arrangements. With regard to the sanitary condition of Sheffield, I also happen to be living at the Railway Hotel, and I can fully corroborate what Mr. Godwin has said on that subject. I must say, that after coming into the town, I did feel very unwell; and I attribute that entirely to the strong smell arising from the river. In passing along some of the streets, I have felt affected by it. The smell is frightful; and I concur in thinking that it must prove prejudicial to the health of the inhabitants.

Dr. J. C. Hall, Sheffield: The state of the Porter and the Sheaf is a disgrace to the civilisation of the nineteenth century; but a disgrace which I am happy to say the authorities of the town are determined to remove. It is contemplated to make a covered sewer of the Sheaf, from Heeley to the Don. I hope we shall take a practical lesson from this day's interesting discussion. We know the haunts of cholera and fever; we know that where they have been before they will come again; and if we do not remove those influences which encourage the rise and spread of disease, we may depend upon it, that if the cholera again visits us, the swallow does not more surely return to its old nest, than will the cholera revisit the same localities of Sheffield. There can be no doubt that in large towns, habits of drunkenness make a great addition to the mortality, by rendering the body less able to resist the attacks of disease. During the last two visitations of cholera, I know very well, that not only in Sheffield, but in other towns, the largest number of cases of diarrhœa—and in many instances of cholera itself—took place on Monday morning; they followed immediately on the hard drinking of the Sunday. That is an important fact, which should certainly be taken into account. The worst antidote to cholera is to drink "to keep their courage up," as the workpeople often say. There is no doubt that drinking to excess predisposes to cholera, and not to cholera only, but to any other form of disease.

Mr. Martin, Warwick: With reference to the statement by Dr. Hall, about many of these cases of diarrhœa and cholera occurring on the Monday morning, I don't think there can be any difficulty whatever in referring them to the drinking on Sunday. As to the cases of Birkenhead and Liverpool, I believe that the great difference between the severity of the attacks of fever is to be attributed to the great prevalence of intemperance in the one place, as compared with the other.

Dr. Stevenson Macadam, Edinburgh: The special subject under discussion has great bearing upon the present condition of Sheffield, and I am desirous of supporting the testimony of those members of the Health Department, who have given evidence as to the present unsatisfactory condition of the sanitary affairs of the town. The streams which pass through the town are practically the main sewers. One of these waters or streams—namely, the River Sheaf—I inspected this morning, and the condition of the stream, which flows through the town, as well as the lakes connected therewith, and a large reservoir which collects the water for mill purposes, is filthy and disgusting. I am well aware of the effects of the contamination of streams by the sewage of towns, as, in connection with the main drainage of a large district of Edinburgh, I have been engaged in making a most complete series of observations on the pollution of rivers by the sewage of towns. The water of Leith is similarly situated to the Sheaf, as it passes through a populous part of Edinburgh and Leith, and receives a large quantity of sewage. I have found that the effect of the pollution of the water of Leith by the sewage is not only to render the water unfit for culinary purposes and for washing operations, and to make it filthy in aspect, but large quantities of sedimentary matter get involved in the bed of the stream, and these, putrefying, evolve most noxious gases. These, escaping into the air, sensibly contaminate the atmosphere of the neighbourhood. The condition of the Sheaf is worse than that of the Water of Leith. The bed of the river Sheaf, the bottom of the lades, and the ground occupied by the mill reservoir, are extensively covered with black, decomposing mud, much of which consists of putrefying organic matter; and, taking note of the dead dogs and cats which may be seen there, and which even a sewer should not contain, the whole appearance of the river and its tributaries, as they pass between and below the houses of Sheffield, is abominable. Offensive gases are

constantly escaping in bubbles from the filthy deposit, and the surrounding atmosphere is sensibly tainted therewith, and undoubtedly rendered more or less unwholesome.

Dr. LANKESTER: There has been a good deal of difference of opinion expressed in the course of this discussion, but that difference was chiefly on one point—namely, the extent of the influence of poison or contagious matter in inducing disease. I quite agree with Mr. Holland in his condemnation of the old quarantine laws, or regulations; because I believe them to be based on conditions that are quite absurd, and not on anything like a scientific knowledge of the nature of contagious diseases; and I think that in their operation they are vexatious. What I advocate is merely the adoption of those precautions which naturally follow on a knowledge of the fact that some diseases are contagious—are propagated by contagion. I most distinctly deny that there has been anything like proof of the origin of small-pox anew, of the origin of typhus fever anew, or of the origin of cholera anew. The external agent which predisposes persons to take these diseases is simply the poison itself. If any man who is unvaccinated takes the small-pox, it cannot be said that the want of vaccination was the cause of the disease. What we say is, that the small-pox poison is the cause of the disease; the man may have gone through the whole world without taking small-pox, until he got the small-pox poison. The attack of small-pox could not have been in consequence merely of the state of his body at the time of his taking the disease.

CONTAMINATION OF AIR.

"*To what extent can the Contamination of Air in Towns be diminished—and by what means?*

A paper on this question by Dr. Augus Smith will be found at p 419.

DISCUSSION.

Dr. STEVENSON MACADAM, of Edinburgh: I believe the contamination of the air in towns is mainly due to four great causes:—first, respiration; second, the combustion of fuel; third, the decomposition and putrefaction of organic matter derivable from households; and, fourth, the discharge of refuse matters from public buildings and from public works. The means for the diminishing of the contamination of the air from these sources are—attention to the ventilation of houses and other buildings; complete combustion of fuel; the speedy removal of organic remains; and a prohibition as to the discharge or lodgment of refuse matters from public works in or near towns and cities. The atmosphere ought to be free from pollution and contamination. It ought to be thoroughly understood that the air which enters and passes into the lungs of an animal does not merely fill and empty the lungs in the manner of the working of a pair of bellows, but is called upon to perform important duties in the animal frame, and is changed thereby. The ordinary healthy air of the atmosphere contains only one part in 2,500 of carbonic acid, whilst the expired air contains 5 per cent. of carbonic acid, or one in 20. Moreover, much water and organic effluvia accompany the air in its passage from the lungs. The water thus exhaled amounts to from seven to 12 ounces daily, and in confined apartments or crowded halls this water settles on the walls and windows, and when removed and examined is found to be offensive. Attention to ventilation is of vital moment, and the importance of the subject is generally under-estimated. The air food is more important than the solid food, because the air is required in mouthfuls every minute, whilst the solid or liquid food is only taken at intervals. The air is little thought of, because we do not pay for it, do not see it on our plates, and we do not much handle or taste it. But, undoubtedly, the allowance of air food which is served out in the rooms we inhabit should be ample. In a small apart-

ment, unprovided with means of ventilation, a man is starved of air food, and at best only receives a stinted supply, of inferior quality. The employment of disinfectants for the purification of the atmosphere may be tolerated under peculiar circumstances, but they do not affect a cure or properly purify the air. The only effectual method of removing the contaminated air is by promoting ventilation, which will bring the foul air into contact with fresh air containing ozone. Corporations can do little to enforce ventilation in private houses, but they ought to see that effective means are taken to ventilate public schools and buildings, lodging-houses, and barracks; and, above all, the children in our schools ought to be taught that the air expired by animals is hurtful and poisonous. Again, where imperfect combustion is carried on, and smoke or fine carbonaceous particles are evolved, the impurity of the air must, more or less, affect the health. It is a question how far the smoke from public works can be consumed, but it is reasonable to suppose that something could be done to arrest much of the smoke discharged from the public works of such towns as Sheffield. The contamination of the air by the decomposition and putrefaction of organic substances, derivable from households, is mainly due to imperfect drainage. Generally the drainage system is carried out more or less efficiently in our important towns and cities, but in some places there is a want of main sewers. There is an instance of bad drainage in the town of Sheffield. The Sheaf and the Don are practically open main sewers of a most revolting and disgusting aspect, and the sanitary state of such is most unsatisfactory. The addition of lime to the deposits in the bed of the streams does not do much good, and the contraction of the bed of the streams would also be merely partial in removing the nuisance. Main-drainage pipes must be arranged to carry the sewage away from inhabited places. Coast towns can discharge their sewage into the sea, whilst inland towns must have recourse to irrigation. The irrigating system is the least of two evils, as it is much better, in a healthy point of view, to spread the sewage over tracts of land than to discharge it direct into a river. In regard to the discharge of refuse matters from public buildings and works, as from the shambles of towns, such should not be allowed to pass directly into a river, as is the practice in Sheffield. At a time like the present, when rinderpest prevails amongst the cattle in many parts, it is matter for serious consideration how far it may be possible for the refuse matters from diseased animals passing into a stream to communicate the disease to the lower districts. In conclusion, I may state that the whole question of better air resolves itself into one of more air in our houses, and more water to remove noxious matters into drains and sewers. It behoves corporations to see that the air is being constantly circulated, and that the drainage of a town is kept circulating, and to adopt means for the arrestment of the deposit of foul matters in and near towns and other inhabited places. The means of diminishing the contamination of the air in towns is undoubtedly within the reach of corporations, and the question of convenience or amount of rates should not be allowed to interfere with efforts to purify the air and so to decrease the mortality of a district.

Mr. P. H. Holland, after dwelling on disease as the great cause of poverty, went on to say: Even those that live in healthy places and receive the greatest incomes may be very poor, if they are unhealthy. You find workmen who earn 40*s.* or 50*s.* a week, living much more miserably than clerks who earn only £80 a year. Why is that? Because the workman is foolish enough to take a cheap house; but in the end he finds it to be one of the dearest in the town. For the sake of 6*d.* or a 1*s.* a week he exposes himself and his family to disease, when if he had sense enough to cut off his supply of beer, he would be far more healthy and wealthy than he is under his present habits. I am not a teetotaller by any means; but if ever I feel a tendency to drink more than is good for me, it is after I have been in those nasty places of poverty and of wretchedness; and I believe the very thing that makes me thirst for a stimulant is breathing that impure air. Now, if I have felt that, after being so short a time in a foul atmosphere, how much more must those feel the same desire who live in it continually. I say if we could get them to live in better houses, they would have better health.

Dr. Bingley said: I concur in the opinion that the immediate removal of all

matter capable of evolving noxious gases, would be one great step towards preserving the public health, and preventing the contamination of the air in towns. To drain into the rivers or streams, as is the practice in Sheffield, is, in my opinion, a proceeding that is quite preposterous. A man may go into a stackyard with a brand of fire, because, while he is there to watch it, he can keep it, if he wish, entirely under his control. But let it once get hold of the stacks, and you may as well try to extinguish it with a bucket of water, as endeavour by putting a sprinkling of lime on the banks of a river or a stream, to eradicate disease which has been generated by poisonous gases evolved from that stream and conveyed by the atmosphere.

Professor GAMGEE contributed a paper on "The Cattle Plague" which, being of immediate interest, was published in the first number of the *Journal of Social Science* p. 67.

The Rev. W. H. CHANNING read a paper on "The United States Sanitary Commission." After giving an account of the labours of the commission similar to that already given in our *Transactions* for 1864, p. 546, he stated that—"In addition to actually caring for the soldiers when sick or wounded, the commission had established homes and refuges, "rests," as they were called, for men who for various causes were temporarily separated from their ranks. The result of their operations was that the commission, in its homes, its "rests," and its hospitals, had cared for 839,000 men. In conclusion, he said that the total contributions from the states, counties, and towns summed up to the almost incredible total of 212 millions of dollars.

The Rev. W. W. MALET read a paper describing the operations of the Newport Market Refuge, in London, and of the St. Joseph's Refuge Home, at Lisson Grove.

Mr. NOURSE contributed a paper on that portion of infant mortality which results from criminal action or neglect. He stated that infanticide, criminal abortion, and neglect, were fearfully prevalent, and were a terrible disgrace to our civilisation. He suggested the removal of the facilities for practising midwifery, by an Act of Parliament requiring registration of midwives; alterations in the law regulating the registration of deaths, and the prohibiting or limiting of the sale of certain drugs well known to be only used to procure abortion.

Mrs. BAINES also contributed a paper suggesting that institutions should be formed under State aid for the reception of women and children, both as lying-in hospitals and nurseries.

ECONOMY AND TRADE.

Report of the Standing Committee of the Department.

SINCE our last Annual Meeting the following Acts of Parliament, which refer to the special objects of this Committee, have been passed.

1. *The Union Chargeability Act*, 1865.—The principal provision of this Act is, that all the cost of the relief of the poor in any union, and other expenses incurred by the guardians of such union, shall be charged on the common fund thereof. The consequences involved in this provision, it is unnecessary for the Committee on the present occasion to point out. The question as to how far these are likely to be favourable to the welfare of the working classes, and the general interests of the community, has at former meetings been discussed in this Department, and the preponderance of opinion has certainly been in favour of the principle of the measure, which has now become law.

2. *The Acts to Amend the Law of Partnership.*—This Act introduces the principle of limited liability into private partnerships. That this will have important effects cannot be doubted, since it is obvious that it will not only afford to traders new facilities for obtaining capital, and to persons possessed of capital new means of employing it profitably, but will strongly tend to remove the broad line of demarcation which exists in this country between employers and the employed, by allowing the latter, without legal risk to either party, to be paid in part by a share in the profits of their employers. The effect of the Act in this direction will form an important consideration in discussing, at the present meeting, the question of co-operation as applied to production.

Among the bills introduced into parliament, on subjects falling within the scope of this Department, may be mentioned that of Lord St. Leonards, to establish equitable councils of conciliation to adjust differences between masters and operatives. As this subject is to form one of the questions for discussion at the present meeting, the Committee forbear making any observations on the bill now mentioned.

The issuing of a Royal Commission to inquire into the charges made for the conveyance of passengers and goods on the railways of Great Britain and Ireland, and the practicability of reducing such charges with a due regard to safety, punctuality, and expedition,

was viewed with much satisfaction by this Committee. To whatever results the inquiries of the Commission may lead, there are various circumstances which render it desirable that a thorough investigation into our railway system should now take place. The subject was brought before this Department in London, by our Chairman, Mr. Chadwick, shortly before the issuing of the Royal Commission, in an address in which various important facts were stated, and many valuable views suggested. The great interest which the subject has excited has induced the Committee to select it as one of the questions for discussion at the present meeting.

The Committee have also to mention that they prepared a Report, which was read at a meeting of the Department during last May, on the condition of the journeymen bakers in London. At that meeting there was a large attendance both of master bakers and of the class whose condition formed the subject of inquiry. An interesting discussion took place, and many important facts were stated by different speakers connected with the trade.

AUTHORITATIVE ARBITRATION.

What are the best means of establishing a system of Authoritative Arbitration between Employers and Employed in cases of Strike and Locks-out. By JOHN WILSON.

MOST unionists believe that the moral and social well-being of the industrial population depends on efficient organisation. It is clearly perceived that some trades, by close combinations, maintain a high rate of wages; and, because this is done on a limited scale, the unionists believe that it can be accomplished universally. But if we investigate the causes of success, it is readily perceived that unions only succeed by restricting their numbers. No economist has shown this more forcibly than John Stuart Mill. Speaking of the remedies for low wages, he says:—"Every successful combination to keep up wages, owes its success to contrivances for restricting the number of competitors. All skilled trades are anxious to keep down their own numbers, and may impose, as a condition, upon employers that they shall not take more than a prescribed number of apprentices." This is borne out by nearly all trade rules, and writers in favour of trades' unions point to this as the remedy for low wages. In "The Rights of Labour," page 11, the author says, "The vital interests of labour of every kind are involved in the question: Are the numbers of apprentices greater than the requirements of the trade? In the adjustment of this question, lies the secret of prosperity." On the same page the writer says, "The numbers out of employment in almost

every trade show that the apprentices are immensely in excess of the present or possibly future requirements." If this be a fact, what does it prove? Simply that the sellers of labour are too numerous, compared with the buyers of it. In this case, organisation is useless, because the persons prevented by trade restrictions from earning their own livelihood must live as paupers. At page 12, the author says—"The saw makers (of Sheffield) have lately exhibited to the world that they are alive to the true interests of their trade, by publishing the fact that in eight manufactories there are no less than 81 apprentices employed to 20 men." And his remedy for this is general restriction. At page 13, he says, "That, if in trades restricting the number of apprentices, there are constantly unemployed, how important is it that not only the present system of indentured apprenticeship be maintained, but that a restriction of the number of apprentices be adopted in all trades." Now can this principle of universal restriction be carried out? Certainly not. Let me ask any unionist parent, why should not every man have the right to place his children in trades which are better than his own? The laws of England allow every man to follow any lawful calling. If men are not allowed to compete in the best paid occupations, they are inevitably driven into the worst paid, and thus, by excessive competition in these trades, wages are kept at starvation point.

Many leaders of the working-classes ignore political economy; but, if political economists say anything favourable to trades' unions, it is put forward prominently by unionists, while they keep the adverse opinions of such writers in the background. In the discussion at Maidstone, "On Trades' Unions," between Mr. Buxton, M.P., and Mr. T. G. Facey, the latter quoted the opinions of John Stuart Mill, in favour of trades' unions; but when, in a subsequent controversy, Mr. Facey was asked to point out the chapter and page containing these opinions, he referred to the second edition of Mr. Mill's work. In reply to this, the more mature and very different opinions contained on page 481 of the fourth edition, vol. 1st, were quoted. This passage shows the fallacy of those unionists who quote Mr. Mill as an advocate of their principles. All his arguments are based on the supposition that competition is free; and yet we find Mr. Abraham Wainhouse, in his prize essay on "Trades' Unions Justified," quoting him as an advocate of exclusiveness. Mr. Wainhouse quotes from the same edition as Mr. Facey; in fact I do not remember that any writer in favour of unions quotes Mr. Mill's opinions from any later edition of his works than the second, though the fourth was published in 1857.

Another fallacy among unionists consists in ignoring the fact that labour is "a commodity." At page 11, Mr. Wainhouse says:—"Supposing that it is granted that the price of commodities depends on the supply of, and the demand for them, how far will this argument avail against us, who say that labour is not a commodity (either in a moral or a commercial sense) that ought to be bartered on considerations which usually affect the exchange of those articles

which are the product of its exercise? Labour is an operation; it is a power directed by design, and perfected by moral culture and intellectual study." A man certainly is in want of an argument when he says "Labour is an operation." Exercise may be defined in a similar manner; but who wants to purchase the "operation" of exercise? To have value in an economical sense, there must be a transferable result, and this will be a "commodity." In the discussion on "The Trade Society's Report," at the Glasgow meeting (1860), Mr. Ludlow and Mr. Hughes spoke of labour as being somewhat different from other commodities, because of "the mind or will of the labourer." A farmer has a mind or will of his own; still, his corn or hay is a "dead commodity," ruled by the law of "supply and demand." But where is the difference between his case and my own when I make a bargain to grind knives at so much per dozen? In each case the same principles are at work.

Strikes have often arisen from the operatives' ignorance of economical science. As examples, let us take the "nine-hour movement" among the London building trades. The objects of this strike were "to abolish systematic overtime," and to find employment for the unemployed, by sharing the work amongst a greater number of operatives; each man's wages remaining as before. The strike of the Amalgamated Engineers in 1852 was for the abolition of "overtime and piecework." This was sanctioned by the executive of the Association. The strike amongst the Leeds ironworkers in 1864 was about non-union men. The late strike in North Staffordshire was against a reduction of puddlers' and millmen's wages. In all these cases, the strikes of the men were met by "lock-outs" on the part of their employers, who, moreover, always came off victorious. In all the great strikes that have been followed by a lock-out, the men have been the principal sufferers; and operatives may be assured that whenever they fight their employers by means of trade unions, the employers, rather than be conquered, will meet organised attacks by organised defence; and when this happens, the contest cannot long remain doubtful.

This brings us to the consideration of the proposed remedies of this state of chronic antagonism. Courts of Arbitration or Conciliation, similar to the "Conseil des Prudhommes" of the French, are suggested. But, we may ask, are the disputes which come before those courts analagous to the contests between capital and labour? I believe not. Previous to last year, there was nothing in France similar to our trades' unions; and strikes were forbidden by law. The industrial condition of France is not analogous to our own. There, manufacturing is not carried on with the same enormous concentration of capital as in this country. Here, the laws bearing upon industrial combinations have been very different from the French code. Still, with perfect freedom, our trades' unions have improved and are improving; and in time strikes and lock-outs will work their own cure. We learn wisdom by suffering. There have not been, as far as we can remember, two general strikes and locks-

out in any one trade; and after one of these great battles, there is comparative peace for years. In 1844, the colliers in this neighbourhood, acting on the advice of a meeting of delegates held at Glasgow, on the subject of a general strike, began working short time; and shortly after, upwards of 600 men in the employ of the Sheffield Coal Company ceased working; and the men employed at other pits in the neighbourhood did the same. In addition to an advance in wages, the colliers demanded the discharge of all non-union workmen. The unionists of the town liberally assisted the turn-outs. The strike ended in the complete discomfiture of the workmen; and, without attempting now to decide whether any fault belonged to the capitalists, or how far the men were in the wrong, let us consider the results. Since that time we have had colliers' strikes in all the surrounding coal-fields, while in Sheffield we have had perfect peace between masters and men in this important branch of industry.

"Courts of Arbitration" are regarded with more favour by workmen than by employers. An examination of the evidence taken by Mr. Mackinnon's committee on "Master's and Operatives," in 1856 and 1860, will fully prove this. In fact, some of the witnesses were in favour of compulsory arbitration (*vide* the evidence of Mr. Andrews and Mr. Ferdinand, 1856). This view of "Mr. Mackinnon's Bill" was also taken by the Executive Committee of the Organised Trades of Sheffield. At page 4 of their first annual report they state, "The Bill being only permissive, your Executive were anxious that it should be altered, so as to make it compulsory on all masters and workmen, in any trade in which a majority of such trade might petition for its adoption, believing that to be effective in Sheffield it would be necessary that it should be equally binding on all when once adopted." In an address to Lord Palmerston, in 1862, the Organised Trades say that "such Courts, to be effectual, should be compulsory on both employer and employed." This would unduly interfere with the freedom of both. What is there to arbitrate about? Surely if a man can sell a pig, or the produce of his garden, or choose a wife, he can sell his labour without the interference of third parties. Both buyers and sellers have a right to be free. What would compulsory arbitration do unless we could compel men to employ their capital in any particular trade? The whole thing will prove delusive. Unless Courts of Arbitration could insure common sense and common honesty amongst both employer and employed, they must fail. No Court can be as effectual as leaving masters and men to settle their disputes between themselves. A strike and a lock-out place both in a false position. Neither party can act without the consent of the "Executive Committee." So far back as 1814, when the Combination Laws were in force in Sheffield, we had strikes followed by a lock-out. The manufacturers subscribed £6,749 to resist the men. The grandfather of my employers (Messrs. Joseph Rodgers and Sons), joined this combination, but he soon found out his mistake. He could have made satisfactory arrangements with his grinders, but he had put the power into the hands of other parties. He acquired wisdom

by experience, and ever afterwards settled his own affairs with his own workmen. The advantage of this method is forcibly shown in the examination of Mr. W. E. Forster, before Mr. Mackinnon's Committee in 1856. "Ques. 1221: 'Have you ever had any strike amongst yourselves?' 'No, we have not.' 1222: 'To what do you attribute that?' Ans.: 'I do not know that we have had any differences with our men which might have resulted in strikes; we have occasionally had differences, but we have always prevented their coming to any disagreeable issue, by being on the watch to listen to any cause of discontent or disagreement, *and by meeting the workmen ourselves.*'" At the conference held in 1852, at the rooms of the Society of Arts, to consider the question of strikes and lock-outs, the late Mr. Charles Hindley gave similar testimony to that of Mr. Forster.

The doctrine of non-intervention appears to be the true one. If strikes are such disasters as some imagine, the evils will cure themselves. I have myself stood aloof from trades' unions, though not through indifference to the welfare of my own class. A rigidly restrictive policy might benefit me personally; but, being a believer in free competition, I detest interference with any man's labour. I have said that trades' unions have improved, and are improving; and if capital and labour are left to themselves, more satisfactory relations between them will result from these periodical contentions. I infer this from the fact that in Sheffield—which has been almost a synonym for outrage and violence in connection with trade matters—during the last four years we should bear favourable comparison with any large centre of industry in the United Kingdom. In conclusion, I would invite the working classes to consider how invariably the most powerful combinations of operatives have failed when met by combined capitalists. I am telling others only what my own experience has proved to be true when I say, that the best course is, to leave the employer and employed to settle their disputes without the intervention of third parties.

CO-OPERATION.

Partnerships of Industry. *By* G. J. Holyoake.

The Partnership of Labour is the name given to a new relation between capitalists and producers, under which workmen receive, in addition to their wages, a share of the extra profits they create.

The hitherto existing system of remunerating industry is to hire labour at the lowest rate of wages the labour can be obtained for; the workman giving in return the least amount of work which he can get accepted. However profitable the business may be at which he works, however rich his employer may become, the workman has no claim to any share in it beyond his stipulated wages. The general consequences are that he requires to be timed and watched; he adopts the easiest processes; he cares nothing to economise material; he has

small pride in his work, and little concern for the reputation or fortune of the firm in whose employ he is. He changes his situation whenever he can better himself, leaving his master to supply his place as he may, by a strange hand who loses time in familiarising himself with the arrangements of a workshop new to him, or blunders or destroys property for the want of special local experience. If the workman has no chance of changing his place for a better, he engages in strikes, wastes his own earnings in that expensive experiment, perils the capital and endangers the business of his master. If his strike succeeds, his master dislikes him because of the loss and humiliation the strike has occasioned. If his strike fails, the workman is poorer in means and sourer in spirit. He works only from necessity; he hates his employer with all his heart, he does him all the mischief, and makes all the waste, he safely can. He gives his ear to alien counsellors and conspires for the day when he can strike again with more success. Thus there exists a chronic war of industry in every town in the land. The workman has no respect for his master, who devotes his genius and enterprise to building up a great business, who risks his capital, and lives under the slavery of anxious thought, in order to increase his own and the public wealth, and raise the national character for excellence of manufacture. A proud desire to co-operate with his employer seldom enters the workman's mind. Worse than this, he has little pride in his own handicraft; he does not care to do the best he can, and perhaps feels no shame when any piece of work leaves his hand bearing no impress of his thought, truth, or skill. On the other hand, his master as rarely understands that he should see in his workman a man. He forgets that an employer should be a gentleman, and friend of his workman, that it is part of his honour that his people should do well and look well; should be content and proud to serve him, that they should have the means to dress cleanly and comfortably, and live in houses which render themselves and families healthy. An employer should be as proud to show his men as to show his machinery. He should wish to satisfy them that the common profits of the concern to which they are asked to give their toil and skill, shall be shared with them in proportion to their confidence and trust, their economy and industry, their ingenuity and success.

This state of things is likely to come about. The first indications are springing up. This great country is full of employers as nobly disposed as any workmen. It has long been known that many masters were willing to institute partnerships between labour and capital if any practical plan could be devised for doing it. Earl Grey, several years ago, took pains to inquire for such plans, that he might commend them to adoption.

Because sentimental people were in favour of these partnerships, it was hastily concluded that there could be none save a sentimental way of working out the principle, whereas it is founded upon a new and shrewd perception of business profits.

It is well known that if each workman gave his mind to his work,

and put his goodwill into it, for the benefit of his employers, they could together create a new amount of profit. Take one instance. It has been calculated that the working colliers at Whitwood and Methley could, by simply taking the trouble to get the coal in large lumps, and reducing the proportions of slack, add to the colliery profits £1,500 a year. If they would further take a little extra care below ground, in keeping the best coal separate from the inferior, they could add another £1,500 to the profits. In these two instances alone, men working—not with good will instead of bad will, but with good will instead of no will, could create £3,000 a year.

Now, a man of original business sagacity, looking at these facts, which are true less or more in all trades, would say—"I discover herein a new method of making money. I see my men can, if they had a motive to do it, create for me £3,000 a year. If I gave them £1,500 of it, they would have that motive, they would be delighted —I should appear a great benefactor in their eyes; and I should be a benefactor, too, for I should put in their way, and place it within their power to add £1,500 a year to their wages. We should be on good terms after this. They would not strike after this, for they would get more on this plan than they could by striking, and loss, discredit, and discomfort on both sides would be avoided. Trades' unions could have no motive for opposing this plan, since it establishes the very thing they are formed to obtain, the recognition of labour as property. Besides, the plan would cost me nothing, and I should merely be giving the workmen back the money they have created. Indeed, they would be also adding to my profits £1,500, for having had the sagacity to see the advantage and the good feeling to act upon the plan. Decidedly, this is a new element in the economy of production. Humanity pays. I have been told that this plan was mere impracticable, costly sentimentality. I find it is a plan of profit as well as of credit and peace. There will be little trouble in devising regulations for carrying this plan out. I have only to fix upon that percentage of profit which pays me to carry on my business, and to say to my men I expect and require to make 10 per cent. (or 20 per cent., as the risk may be), such is now my average paying profit, and for the future all we make above this by your co-operation, good will, prudence, care, and skill in working, I will divide with you and add to your wages." This is the theory of the partnerships of industry, cleared of all sentimentality and the confusion of ideas which surround new discoveries in economical science.

It is simply a wholesome utilitarian principle applied to industry. These partnerships are based on a principle from which all new civilisation has sprung—a principle of intelligent selfishness. Self-interest which seeks its ends through a liberal consideration of the interests of others, pays far better than the savage covetousness which impatiently picks the bones of labour.

Good feeling alone will not conduct a large commercial concern—

there needs self-interest tempered by good sense, and this good sense now perceives that a thousand workmen will produce far more profit if they have an interest in what they are doing, and have a motive to avoid waste of material, loss of time, and to work with all their skilfulness. The workmen who can be induced to act in this way, create in a year an additional sum of money for their employer. And if the employer divides this new profit with his men, he benefits the men as they were never benefited before, and employers obtain half the new profit thus created as an additional bonus to themselves, as a reward for their trust in the men, and for their own sagacity and good sense.

The credit among the master class, of being first to set the example of improving the relations of employer and producers, is due to the eminent firm of Sir Francis and John Crossley, names distinguished for local munificence to the town of Halifax. Their carpet works cover eighteen and a half acres of flooring, and represent a million and a half of capital. This great private business they have converted into a public company, and have made all their workpeople, amounting to 4,500 men, women, and children, even minors and married women, all eligible to invest their savings as shareholders; thus giving to every producer an opportunity of exchanging the servile position of a hired labourer for that of the dignity of a joint possessor of the mill floor on which he treads, and sharing the renown and profits of the firm to which his toil and skill contribute. This great example is entitled to honour.

The Messrs. Henry Briggs and Son, proprietors of the Whitwood and Methley Collieries, have had the distinction of carrying the principle of industrial partnership further, and of being the first employers to recognise labour as property entitled to profits.

Taking the average profits their capital ought to produce, they fix upon 10 per cent. as the amount that must be realised, they have converted their business into a company, and admit, like the Messrs. Crossleys, all their workmen who choose to invest their savings in shares. And if any do not or cannot, it is provided that all profits over 10 per cent. shall be divided between the shareholders who have risked their capital in the business, and the workmen whose devotion and skill have produced the profit—in the ratio of two-thirds to shareholders and one-third to workmen. This is the first time any employers have thus formally recognised the poor man's labour as property. This is a distinction not to be mentioned without gratitude, and of immense significance in the industrial progress of the future. I have visited the Whitwood Colliery, as I wished to see for myself the spot where this sacred change has begun. I was allowed to descend into the pits, as I wished to judge of the security for life for which these collieries are known. Being invited by the men to make a speech to them, I addressed them as "The first Englishmen whose labour employers had recognised as their property; and counselled them to err for the first time on the side of confidence, to listen to no suspicions, to abate no exertion, that this new compact

of capital with industry might succeed for the sake of their brethren —to respect themselves, to entertain no uncomfortable or ungenerous criticism of their master's motives; but, like men of sense in the middle class, to fix their attention on the tendency of the scheme to promote their own benefit, and give their employers honourable credit for a proposal whose tendency is the workman's advantage. Made in the face of the nation, applauded by the most eminent friends of labour, the compact could never go back if they were faithful to it; and the noblest experiment commenced in our time would be dated from those pits in which they worked. It was now in their power not only to raise their wages, but to raise their order." I can bear my testimony, from examination, that the system of accounts devised by the Messrs. Briggs for enabling the men to secure the profit that may accrue to them is simple, accessible, and satisfactory. The experiment bids fair to succeed, as more coal has been worked since it was commenced than has been worked before in the same time.

With that commercial sagacity which belongs to Manchester, the new principle of partnership of industry has been quickly appreciated by the financial agents, Messrs. Greening and Co., who advise its introduction into new companies. A new company, entitled the Clayton Plate and Bar Iron Company, includes among its directors names honoured in the ranks of labour, those of Jacob Bright, Alderman Abel Heywood, and Dr. John Watts. This company carries the new principle of partnership further than the Messrs. Briggs, and includes, like a co-operative store, the customer in the division of profits. After 10 per cent. has been realised for the capitalists, the sum of profit in excess is divided into three equal parts—one-third to the purchasers from the company during the year, in proportion to the sums paid by each for goods; one-third to the shareholders, according to the shares held by each; one-third to the officers, clerks, and workmen, according to the salaries or wages of each of them during the year. This is the most perfect approach to that definition of co-operation which Mr. J. S. Mill, M.P., gave at the Whittington Club, London, in 1864. His words were—"It is not co-operation where a few persons join for the purpose of making a profit from cheap purchases, by which only a portion of them benefit. Co-operation is where the whole of the produce is divided. What is wanted is that the whole of the working classes should partake of the profits of labour. We want that the whole produce of labour shall, as far as the nature of things permit, be divided among the contributors and producers."

Thus, on this shrewd system of the Partnership of Industry, the customers who keep the works always going by the continuity of their orders, save waste and delay, and create more than the return they receive. The workmen, by their intelligent faithfulness, create more than the addition to their wages awarded to them, and the capitalist not only secures his percentage of interest, but new additions which otherwise would never exist. Only two firms at present appear to understand this—the Whitwood and Clayton Companies.

Even the *Colliery Guardian*, which should understand the interest of the coal and iron masters, indulges in demented ridicule of "the sanguine expectations of the *benevolent* gentlemen who penned the prospectus of the Clayton Plate Company." Because philanthropists have an earlier sense of justice than other men, and are first inclined to an equitable scheme, the mere trading spectator sees nothing but philanthropy in it, and overlooks the element of industrial equity in it, and does not know that equity always pays.

Owing to the confusion of ideas that attends all new subjects, even the workmen everywhere damage their own case, and consent to describe this division of new profits as a "bonus to labour," whereas it is really a new bonus to capital. Even in Rochdale, where good sense is prevalent, the co-operators will call it a "bonus to labour," which gives a false idea to capitalists—obscures in their mind what they are called upon to agree to, and gives them the impression that they are required, on grounds of philanthropy, to relinquish a portion of their profits as capitalists in favour of workmen who have no capital themselves. It was this confusion of ideas that caused the Rochdale Manufacturing Society to retrace its steps and blunder back into the old system of care and loss; which appears to gain all while it loses half. The Manufacturing Society of Rochdale gave up their plan not, as the London *Spectator* said, because it failed—they gave it up before they tried it. The majority never understood the principle of it. They said, "Why should we give a portion of our profits to workmen? Other employers do not." They did not see that instead of giving profits they would gain more profits. They did not see that the profits proposed to be divided were extra profits—new profits which would never exist but by this arrangement; and the wiser minority who did understand it were not allowed to raise this issue, and it was predicted at the time by the present reader, in a paper contributed to the *Morning Star*, that shrewd masters would be the first to see their way to it.

The head of a family who observes what takes place in his own house, knows enough to understand this question. Good servants are so scarce that few householders have the good fortune to meet with them. An educated, managing, economical, trusty servant or nurse, will always save more than her wages and cost. You never care to a guinea or two what wages you pay her. You do not give it to her, she gives to you more than that, by her personal economy, by the example she sets, and the peace which she diffuses around her; by the absence of superstitious tales, coarse habits, and ignorant speech, which otherwise would contaminate your family, who must in their childhood come in contact with her. And in great commercial undertakings, what high salaries are given to managers of ability and trust, who can think for themselves, and think to some purpose, and by their care, foresight, judgment, and administrative talent, increase the reputation and profits of the concern. This quality of men is very rare. A manager whose mind and disposition is wholesome and genial, who can be busy without being petulant, active without being

tyrannical, and display with all a creative business capacity, earn their high salaries many times over. The munificent remuneration they receive is never spoken of as a bonus to servants. It is well understood economy to pay them well.

The same rule holds good in the Partnerships of Labour. They are not devised as philanthropic plans. They arise in an extension of commercial sagacity. These gentlemen who take the lead, foresee that if it is economy to give the leading servants in a firm an interest in what they are doing—it must be equally an act of economy to give the whole body an interest in what they are doing. If anyone writes to Mr. Mill, Professor Fawcett, or Louis Blanc, and solicits notice of this step from these distinguished authorities, whose word of approval is reputation—if Mr. Mill does, as he has done in his new edition of his "Political Economy," publish words of priceless distinction of the Messrs. Briggs' proposal—it is done because they were the first to adopt a plan of a new and enlightened form of self-interest, which includes with their own benefit also the benefit of the workman. But when the public begin to understand what really takes place, they will cease to regard this new plan of the Partnership of Labour as a philanthrophic one; they will estimate it as a new form of enlightened commercial shrewdness which pays.

The fact is, Political Economy—that unrecognised benefactor of the working classes—is apt to mistake the mechanic for the machine. It sees that the workman must have average wages, or he will go elsewhere; but it does not otherwise see that the workman is a live thing, and that he has within him a brain and will, which, if purchased, will also produce profit. The old system of mastership merely buys his stomach—the new Partnership of Industry buys his thought and energy, and this new investment will pay better than the old. The scheme will not at first advance rapidly, because workmen are often incapable of enduring any plan by which an employer profits; and will rather forego a great addition to their own wages than see him gain by it. I could tell of scores of schemes, in which gentlemen have risked their fortunes to benefit workmen, who as soon as they saw that their intending benefactors expected to gain a profitable investment for their money by it, these scoundrel workmen—as they would deserve to be called had they sense enough to see what they were doing—ceased to support it, and caused the ruin of the generous projectors. Whereas it was to the interest of the workmen that these capitalists should benefit, and be known to benefit most, when they included in their schemes the benefit of the workmen. No fear that these Partnerships of Industry will advance too fast. They are too good for that. If it be true that nothing succeeds like success, it is more true that nothing progresses so slowly as progress.

It would however be ingratitude to conclude this subject without acknowledgments to Mr. Scholefield, M.P. for Birmingham, for the Bill he introduced, and to Mr. Milner Gibson, who, on the part of the Government, have carried it through Parliament—making it legal for any employer or shopkeeper to pay his workmen or servants with a

proportion of his profit, without making the workman or servant a partner, and placing the whole property of the concern at his mercy. We owe thanks to that great Lord Chancellor who lately occupied the woolsack for his powerful and sagacious support of this Bill in the House of Lords, who confuted the ancient fallacies of commercial authorities, and rendered these Partnerships of Industry legal in England.

RAILWAY MANAGEMENT.

On an Official Inspection of Railways and the Management of the Traffic thereon, as a Means of Preventing Accident and Loss. By EDWIN HILL, *of the Inland Revenue.*

RECENT disclosures have made public the disquieting fact that the elaborate and carefully considered regulations laid down by the directors of our various railways for the guidance of their servants in the management of the traffic—including the precautions to be observed when portions of the lines are necessarily under repair—are in practice commonly disregarded, and that to such an extent as to render their promulgation all but useless.

Breaches of these regulations cannot be unattended with danger, and therefore ought never to be passed over without punishment; instead of which such violations, however flagrant they may be, commonly receive but little notice, if any, except when they lead to immediate accident; hence they become habitual. And when accident really does occur the anger excited against the parties in fault is proportioned rather to the extent of the damage done, than to the amount of the neglect that led to it. Thus treated, accidents are naturally looked upon rather as instances of bad luck than as the sure consequences of habits of neglect; nor can the eradication of this mischievous feeling be expected, consistently with experience, from anything short of a vigorous and steady enforcement of the rules laid down; all breaches being sternly punished, *whether followed by accident or not,* on the plain ground that with the enormous forces employed the habitual neglect of the necessary precautions can lead to nothing but disaster, first or last.

It has often been proposed to call upon the legislature to make regulations for the management of the railways, such regulations to have the force of law. But the fatal objection is instantly raised that by such course the responsibility of the railway authorities would be destroyed, as responsibility without power is a mere delusion.

Some have even proposed that the Government shall take the whole administration of the railways into their hands.

I do not here attempt to discuss this proposition, my object being to suggest an intermediate course; one which is easy of trial, and which if adopted, it would be advantageous to continue, let the

administration of the railways ultimately devolve upon whomsoever it may.

What I have to bring under consideration is the propriety of adopting in respect of the railways, a system of official inspection analogous to that in operation as regards our factories, mines, schools, poor-law unions, and prisons.

Mere inspection with communication of the result. Every power necessary for the attainment of full and correct information upon all matters affecting the public safety and convenience, both directly and indirectly, but no power whatever of interference in the management. The inspectors to be simply held responsible for discovering and bringing to light everything in the management of the lines under their charge respectively, that experience has shown, or that they may deem to be detrimental to the public safety, or needlessly obstructive of the public convenience.

It is unnecessary to go into particulars respecting the duties that it would be proper to throw upon such inspectors, inasmuch as the experience gained in the working of the system of inspection as now carried on is so ample that there could be no difficulty in framing suitable instructions ; and after all it is not on the framing of the instructions, but on the choice of the men appointed to carry out the purpose that the success of the measure must depend. Able and zealous men will, for the most part, themselves discover the path to a successful result, whilst inefficient men will be all but certain to miss it, though it be mapped out for them never so clearly.

It is needless for me to dilate upon the efficiency of simple but systematic inspection and report in procuring the removal of curable evils. The manifold defects that have been brought to light by our poor-law inspectors, prison inspectors, factory and school inspectors, and others, and that in consequence have been either cured wholly or at least much amended, are not unknown, although perhaps not so generally understood and borne in mind as might be wished. But that one of the most effectual means of abating injurious practices and effecting the suppression of abuse, is, to expose them to the broad light of publicity, is a matter too generally understood and acknowledged to need argument. All I have to urge, therefore, is the superiority of continuous, systematic, and thorough examination and inquiry, conducted by men of ability and knowledge of the subject, appointed for the purpose, and hence responsible in their character and position for its due performance, over depending upon mere fortuitous information given by persons perchance but imperfectly acquainted with the facts, and concerning not so much the *habitual* observance or neglect of the appointed precautions, as simply the ill-consequences of their non-observance in individual cases.

Under such a system of inspection I think I may unhesitatingly aver that such a total neglect of the necessary precautions explicitly laid down by the directors, as, in the case of the late Staplehurst accident was shown to attach equally to the workmen, the foremen,

and the superintending engineers, could not have been concealed, and being brought to light would not have been endured, and therefore that its lamentable consequences could never have occurred. I need not multiply cases in which precisely the same reasoning might be urged, as they are no doubt but too sufficiently in remembrance.

In conclusion, I would suggest that an official inspection thus wholly independent of the administration of the railways, and therefore unbiassed either in its favour or against it, would in all probability prove highly economical to the railway companies themselves; the loss by the accidents of a single half year upon one line only (including the accident just alluded to) having been officially estimated at some £50,000. The expense of the necessary staff of inspectors, clerks, &c., need not be great, and, if my anticipation of an important economy to the railways be realised, such expense ought to be cheerfully borne by the railway companies themselves.

The Rise and Growth of the Trades of Sheffield. By Robert Eadon Leader, B.A.

Assembled in a town which affords a conspicuous illustration of the amazing strides made by manufacturing communities of late years, I have thought it may not be uninteresting to this Association to have some account laid before it of the manner in which Sheffield has gradually increased, from small beginnings, to the large and busy scene around us. In 1801 its population was only 45,000. In 1862, it had risen in point of size to the rank of sixth town in the kingdom. Its population has been increasing at the rate of 5,000 a year, and it now contains more than 200,000 inhabitants, the great majority of whom are toiling day by day under the canopy of black smoke which results from their labours, and which makes strangers wonder what manner of men they be who dwell therein. It is the purpose of this paper to trace rapidly the growth of the occupations which have drawn together here such numbers of human beings, and, beginning with the time when it made cutlery on the smallest scale, to show how Sheffield has become one of England's greatest seats of industry.

In a paper read before this Association at Edinburgh, Mr. William Chambers pointed out that "the tendency of towns to excel in particular trades depends usually on some peculiar local circumstances, and is rarely a result of any deliberate arrangement." The truth of this observation is fully borne out in the case of Sheffield. The iron easily obtained from the immediate neighbourhood, and the power for working it afforded by the numerous streams that descend from the highlands around, are the natural explanations why the iron trade early fixed itself here. At a later period, too, the surrounding coal-beds kept in its adopted home the trade which must

otherwise have emigrated in search of this essential means of power. Hence we find in the geological conformation of the district at once the cause of the establishment and of the extension of the branch of industry which here found its seat. It is no part of my plan to enter upon any inquiry into the antiquity of the trade of Sheffield. It is sufficient to know that from very early times, and certainly from the time of the Romans, the cutlery trade, in some of its branches, and in a more or less primitive form, has been carried on here. For many centuries, too, the town has been famed for the excellence of its wares. It seems probable that settlers from the Netherlands, expelled from their own country by the Duke of Alva, added to this excellence, introduced improvements, and eclipsed the former efforts of the native craftsmen. Hunter, writing of Sheffield in the sixteenth century, describes it as "a thriving manufacturing town, in the centre of a manufacturing district." After this, however, and in the beginning of the seventeenth century, there seems to have been a decline in its prosperity. The trade became so "disgraced" by the "deceitful and unworkmanly wares" of "divers persons" who "refused to submit themselves to any order, ordinance, or search," that, in 1624, application was made for the interference of parliament for the protection of the "industry, labour, and reputation" of the inhabitants. The cutlers of Hallamshire were accordingly formed into a body corporate. The manufacture in which they were engaged is described in the Act of Incorporation as "knives, scissors, shears, sickles, and other cutlery." Even then, it is curious to note, there was a peculiarity about the sickle trade which is still observable. It was settled not so much in the town itself as in the villages to the south, where it and the scythe trade are still almost exclusively carried on.

Like the rest of the country, Sheffield suffered greatly from the disturbances of the civil wars. Yet, even in these unsettled times, some improvements were made in the old trade of the place, and it is to this period that is attributed the invention of spring-knives—a great advance on the ancient whittles. It was at the time the charter was granted to the Cutlers' Company, in the reign of James I., that Sheffield was, as described by Macaulay, "a singularly miserable place, containing about 2,000 inhabitants, of whom a third were half-starved and half-naked beggars. It seems from the parochial registers," he continues, "that the population did not amount to 4,000 at the end of the reign of Charles II., the effects of a species of toil singularly unfavourable to the health and vigour of the human frame were at once discerned by every traveller. The larger proportion of the people had distorted limbs." These were the predecessors of the men who, a French writer has said, show a capacity to undergo protracted, toilsome, and exhausting labour, unequalled by any other European nation.

There was not much alteration in the condition of the people or in the state of their trade up to the end of the seventeenth century. At that time, nevertheless, new trades had sprung up. I cannot fix

even the proximate date at which the manufacture of razors, files, and saws, was introduced here, but as a natural sequence to cutlery proper, we may pretty safely conclude that they had begun to be made by this time. The increasing luxury of the people had created a demand for forks; edge tools, and joiner's tools had also made their appearance among the trades of the town. With the multiplication of the cutlers had grown the demand for the fittings of their shops, and thus the manufacture of anvils, vices, and hammers, had taken the position of recognised trades, which they hold to this day.

From 1700 to 1800 is a long stretch of time, during which all these industries continued to increase and multiply, in general slowly, but occasionally with strides which form landmarks in their history. The period is illuminated by the brilliance of two notable discoveries made nearly at the same time by Sheffield men, and destined to have an immense effect on the growth of the town—the discovery of the art of silver plating by Thomas Bolsover, and of making cast-steel by Benjamin Huntsman. It was towards the middle of the centnry that these fortunate discoveries were made. Their value was not all at once apprehended—the wise men of Sheffield, indeed, obstinately refused to use Huntsman's steel until they were forced to do so by the superiority their foreign competitors were obtaining thereby—but before long both contributed greatly to the fame and prosperity of the town, and one, by the creation of the steel trade, in an unequalled degree. For up to this time almost, if not quite, all the steel used here had been imported from Germany and other countries, and it does not appear that steel was converted in Sheffield until some years subsequent to Huntsman's invention. Commercial enterprise was stimulated by the successes to which I have referred. To them were added the manufacture of goods in Britannia metal. At the same time the older trades had not been idle. So great had become the fame of the Sheffield file makers in 1727, that an attempt, which almost proved successful, was made to induce them to emigrate in a body to France. The men were quite prepared to accept the tempting offers held out to them, and it was only by obtaining an order in council that their departure was stayed. Superior workmanship was displayed, too, in scissors and other articles, while efforts began to be made to find new markets, and better to work those already to some extent supplied. It is recorded that a person named Broadbent was the first to establish a foreign trade. This was in the year 1747. His example was followed by others, and the manufacturers who had previously been content to stay at home and wait for the orders that chance might bring them, began to visit London and other places in search of custom. Then arose merchants who opened up direct trade with the Continent and with America. "From the blow which it received from the American war, Sheffield," says Hunter, "seemed to rise with renovated strength." The substitution of rolling for the more primitive process of hammering must be noted as an important step taken about

this time. It first came into special prominence in connection with Henry Cort's improvements in the manufacture of iron in 1783, but rollers were in use in this neighbourhood some years before that. To Thomas Bolsover, the inventor of silver plating, must also be awarded the merit of having been the first to erect a rolling mill at Sheffield. He established one at Whiteley Wood, in the year 1769. One illustration of the value of the process may be found in the change it effected in the saw trade. Formerly the steel for each saw was hammered out of the bar, but this tedious labour being superseded by the new practice, it became possible quickly to roll sheets of the required thickness which had then simply to be cut to the necessary size.

The first steam engine here is said to have been erected in 1786, at a grinding wheel on the Sheaf. Before that, however, the town had already acquired a reputation for smoke, for we are told in a directory, of the date of 1774, that "the buildings in general are of brick, but from the great quantity of smoak occasioned by the manufactory, the newest erections are apt soon to be discoloured." Thus, towards the end of this century, we find traces of considerable advance in the trades of the town, and not the least significant symptoms of this may be gathered from the fact that then began those combinations of workmen, and counter-combinations of masters, which have now become so marked a feature in our social life. In 1790, the master scissor smiths met to oppose a movement on the part of their grinders, "to raise the price of labour," and they were supported by other manufacturers, who assisted their prosecution of the agitators by subscriptions. A few years later occurred the first strike, and it is the spring knife cutlers who have the credit or discredit, as the case may be, of inaugurating this new state of things. With this commencement of misunderstanding between masters and workmen closed the last century. In 1770 the second act of the Cutlers' company had been obtained "for their better regulation and government," and making some changes needed by the altered circumstances of the time.

The present century was inaugurated by the introduction of a new trade, differing in character very considerably from its predecessors, but destined to take a prominent position in the manufactures of the town. London, mainly, and Edinburgh to some extent, had previously been the only places where were made the better class of stove grates, and the trade was so exclusive that the manufacturers were extremely independent. Before many years had elapsed, however, Sheffield had wrested from the two capitals their pre-eminence in this respect, and ultimately, by enterprise, skill, and ingenuity, obtained sole possession of the trade. Here, first, were the old-fashioned pierced fenders supplanted by iron cast in every variety of pattern, and our manufacturers have ever since shown themselves quite capable of keeping pace with, and even outrunning, the growing demand for artistic workmanship, while they have from time to time introduced great practical improvements. But while this new

and important trade was establishing for itself a position here, the older staple trades were little changed. During the first thirty or forty years of this century, there was indeed a slow and gradual introduction of labour-saving machinery, and of improvements of more or less value in the various manufactures, but no such decided advance as calls for notice here. Coming down to the year 1840, we find the first indications of the great changes which since then, and especially since 1851, have taken place. In 1839 Mr. Heath took out his patent for the important discovery of the valuable effects attending the use of carburet of manganese in the manufacture of cast-steel, and soon afterwards, the revolution the railway system was about to make in the country began to be felt. Nowhere has that revolution been greater than at Sheffield. The town was in a position to meet the sudden demand for steel work that the railways created, and she has availed herself of this advantage to the full. One firm here was already engaged in the manufacture of coach and carriage springs, and it was a very natural step to extend their works to the making of springs for railway carriages too. This example was speedily followed by other and more enterprising firms, and the trade soon assumed very large proportions. Buffer springs also came into great requisition, and by the fortunate obtainment of an excellent patent for their manufacture, which gave him in great measure the command of the trade, Mr. John Brown laid the foundations of his present gigantic business.

The Exhibition of 1851 furnishes us with an excellent test by which to ascertain the then position of Sheffield trade, and with a definite starting point from which to measure its subsequent advance. In cutlery and edgetools Sheffield still retained her pre-eminence in a very remarkable degree, though in certain branches formidable rivals had arisen, and the jury reported that "for extent, variety, and excellence of collection, no seat of manufacture could compare with the trade's most ancient home." I have already rather anticipated anything that can be said of the higher class contributions from the local stove-grate manufacturers. The reporters seem to have been unable to find any term of eulogy too strong to apply to their goods. In silver and plated ware a competitor had arisen in Birmingham, and that town had got a great advantage through one of its firms having had the foresight to secure the patent for electro-plating, though the process was then so new that the jury carefully guarded itself against expressing any opinion on the merit of its application to objects of domestic use. In the excellence of her silver plating and Britannia metal-work, however, Sheffield met and equalled all rivals. In the quality of her steel the town maintained her "European reputation," the whole of the firms that exhibited, six in number, receiving medals. Among them were noted "two ingots of steel, which may bear comparison in size with the fine specimen exhibited by M. Krupp." The quantity of steel manufactured in the town at that time was estimated in the official report at 39,000 tons per annum. But as bearing on the future trade of the town,

the reports and awards of the jurors are more remarkable for their silence in some classes than for their praise in others. It does not appear that any Sheffield manufacturer obtained an award or even honourable mention for springs or buffers or other articles connected with railway plant. Starting, then, with this conspicuous absence of mention, we may conclude that in 1851 Sheffield had attained no special excellence in this branch of her trade, and while heavy steel castings were quite in their infancy, castings to shape were unknown. Contrasted with this state of things, the report of the jury of the Exhibition of 1862 is remarkable. It notices the great progress and improvement which had been made during the interval in those branches of manufacture created and supported by the railway and steam navigation systems, especially mentioning springs, buffers, steel rails, tires, &c., together with large steel forgings and castings. For some years, indeed, the Sheffield steel manufacturers had been watching with jealous eyes the progress of M. Krupp's works, and his success in casting steel in large masses. In 1855, Messrs. Naylor, Vickers, and Co., were fortunate enough to purchase a German patent for this kind of work, the secret of success lying, not in the steel used, but in the preparation of the mould. This has been applied by them, not only to the manufacture of bells, with a view to which it was originally invented, but subsequently on a much more extended scale for making tires without weld for railway carriage wheels (in which they now do a large trade), rails, crossings, double crank axles for locomotives, and other heavy articles. Although they have not attained the power of making castings so large as M. Krupp, yet they have fully equalled him in soundness and beautiful finish up to a weight of seven tons, and they are now erecting works at which they will be enabled to reach a much greater size. And while this advance has been made in the manipulation of steel, there has been even greater progress in its manufacture. The reporter of the jury in this class, at the Exhibition of 1862, calculated that there was in Sheffield in that year, deducting all drawbacks, capacity for making annually 78,720 tons of blistered steel, and upwards of 51,000 tons of cast steel. Since 1862, the increase has been at least as rapid as during the preceding decade. Numerous new patents had been sealed; the majority, of course, being for fanciful or impracticable improvements, but among them was one which will ever be a landmark in the history of steel manufacture. Looked upon at first, as usual, with the utmost suspicion and incredulity, the Bessemer process of making steel direct from pig iron in almost as many minutes as the old system occupied days, has even now worked a revolution in the trade, and has attained an importance unprecedented in the annals of invention. Already applied to numerous purposes, its capabilities are yet by no means fully understood. The patent was taken out in 1855, and the manufacture began in 1858. In 1862, about 70 tons were made weekly in Sheffield. It is now made here by three firms to the extent of only 400 tons per week. In other parts of the country it is made in still

greater quantities, 1,000 tons per week being a moderate computation of the total quantity. There are 17 steel works in the kingdom where the process is carried on, and there are erected, or in course of erection, converting vessels capable of producing 6,000 tons weekly.

During the period between the two London exhibitions other branches of the steel trade also made great progress. Conspicuous amongst them is the large trade which Messrs. T. Firth and Sons have established in the forging of steel cannon. The almost accidental manner in which Sheffield has become the chief seat of this increasingly important manufacture is very curious, and possesses an additional interest, as bringing back to the town the modern form of the trade, which, as already mentioned, is said to have been carried on here in the time of the civil wars. Very different indeed are the steel guns made now from the iron guns with which the army of King Charles I. was supplied. Messrs. Firth, long celebrated for the excellence of their steel, had for some years made rifle barrels in considerable numbers for the American market; and to these the attention of Mr. Whitworth was directed. He tried the steel for his own rifles, and in 1858 began experiments to test its applicability to his rifled cannon. These experiments proved the superiority of the metal; and Messrs. Firth now not only forge all Mr. Whitworth's guns, but are also largely employed in constructing ordnance for Captain Blakeley and the British Government. For this purpose they have put down 16 of Nasmyth's steam hammers. In addition to cannon, they also make large steel forgings for machinery and other purposes, and they are engaged in the manufacture of steel shot, which it is evident are the only missiles that have any chance of successfully contending against armour-plates.

For another source of demand which has added largely to the activity of the steel trade, and which has compensated, in a great measure, for the stagnation caused in some branches by the late American war, Sheffield is indebted to the ladies. The quantities of steel that have been required to encircle them with crinoline are almost fabulous. The demand first became considerable in the year 1858, when the depression which followed the American financial panic was most severely felt, and when the establishment of a new and profitable trade was of inestimable benefit to the town. It is roughly estimated that an average of 100 tons of crinoline steel has been required during each week for the last few years. Created entirely by the demands of fashion, the trade will of course cease as soon as the ladies issue the decree. Already it is declining, but whether this is owing to an overstocked market or to the decreased girth that is said to have come into vogue, I am not prepared to say.

While speaking of the influence of fashion on trade, I may refer to another point bearing on the same subject, with which the gentlemen are concerned. The beard movement has become so general throughout this country, that we might have supposed it would prejudicially influence the razor trade. It has, to some

extent, caused a decline in the demand for the best classes of razors; but the movement appears to have been more than counterbalanced, even in the home trade, by the increase of the shaving population, while new markets have been opened abroad which have kept the foreign trade active. India especially, since the mutiny, has taken immense numbers of good but cheap razors, and the older markets have continued to be large purchasers.

Leaving now the steel trade, I turn to a subject which, as one of the most prominent questions of the day, has added greatly at once to the prosperity and fame of Sheffield—the rolling of armour plates. Mr. John Brown, in 1857, commenced here the manufacture of iron; the introduction of this trade put him in a position, about the year 1860, to make arrangements to meet the demand that had then arisen for massive iron plates to protect our ships of war. The success that has attended his energetic efforts is well known. Messrs. Cammell & Co., a few years later, embarked in the same manufacture, also with considerable success, and these two Sheffield firms have distanced all other competitors by the resisting power of their plates.

The old trades of Sheffield during the period which we are now considering—from 1851 to 1862—continued not only to hold their own, but to advance in spite of the intense rivalry which had sprung up. The cutlery, file, saw, scythe, sickle, and edge tool trades had not indeed increased in so great proportion as the population of the town, having been overshadowed and outnumbered by the amazing rapidity with which other trades had been developed. But, the reports of the jurors show how greatly the Sheffield workmen had improved in skill and taste.

What was true of most of these trades in 1862, is true of them now. The American war has, indeed, interfered with many branches, and made the circumstances of the last few years exceptional. There are fewer cutlers in the town than there were three or four years ago, but an improvement that has recently taken place, and the consequently better prices that are paid, are gradually bringing them back again. The razor grinders, also, have decreased in numbers, but this is the result of an act of their own, having for its object the obtaining of higher wages. They refused to take any apprentices, and the decree has had its natural effect; there has been no new race springing up to take the place of those who die off, and those who remain have consequently been able to command an increased rate of payment. Nor has the file trade done much more than hold its own against the repeated assaults of machinery; the number of men employed in it has increased of late years very slowly. But notwithstanding exceptional instances such as these, the trade of the town as a whole, its population, and its prosperity, have gone on increasing. Freed from the depressing influence of the stagnation of the American market, it will continue to advance with still greater rapidity. This is becoming more and more not the age of iron but the age of steel, and the facility with which this all-important metal is now produced, has so reduced it in price, that it can be extensively

employed for purposes which its costliness prohibited before. And Sheffield is in a position to supply all demands.

Other trades are established here which are worthy of note. The right of Leeds and Manchester to monopolise the manufacture of machine tools has been practically disputed. The drawing of steel wire is carried on on an extensive scale, and powder flasks, shot bags, optical instruments, and type, have long been made here. There are trades, too, which though of a very different character, deserve from their long existence and prosperity to be noticed. Such are the button, comb, and hair seating trades, while the manufacture of a celebrated snuff has been carried on for many years. Some additional interest might, perhaps, have been given to this paper by including in it an account of the trades which have failed in their attempts to gain a footing in Sheffield, and by recording how the all-powerful genius of iron has driven away from his domain the softer forms of silks and cotton, and has, as it were in spite, made their last abode a pauper's home. But I have already reached the limits allotted to me, and have also, I fear, sufficiently tasked the patience of this assembly.

THE GAME LAWS.

The Game Laws. By George Hope.

The Game Laws consist of numerous Acts of Parliament, which restrict the killing of certain wild animals, arbitrarily denominated game, to particular seasons and by certain individuals, who must also first obtain a licence from Government to enable them to do so. Partridges, pheasants, muir fowl, ptarmigans, heath fowl, snipes or quails, are termed winged game; and hares and rabbits ground game. Deer, I believe, are also game, unless appropriated by enclosure in a park, when they become property, and the taking of them is punishable as theft. Game at large has never been held as property; and these laws, therefore, are only founded on expediency, or rather the strong will of the governing classes. To mitigate some of the acknowledged evils that flow from them, it has been strongly advocated that the law should declare all game to be property belonging to the owner of the land on which it is found. But it is impossible to hold animals to be property which cannot be identified; and who can tell the difference betwixt one partridge or one hare from another of the same species, as they fly over or run across the country, and which animal may also become the property of half a dozen different people in a few minutes? The law might declare such animals to be property, and punish the taking of them as theft; but this remedy appears to me more likely to confound the sense of right and wrong, and thus weaken the security of all other property, than to attain the object intended. Blackstone, in his "Commentaries on

English Law," observes, "From this root (the Forest Laws) has sprung a bastard slip, known by the name of the Game Laws; both founded upon the same unreasonable notions of permanent property in wild creatures, and both productive of the same tyranny to the commons; but with this difference, that the Forest Laws established only one mighty hunter throughout the land; the Game Laws have established a little Nimrod in every manor." The natural right of every man to hunt and kill wild animals was long maintained in the Roman Law, and was recognised and acted on in the earlier periods of British history. This right was usurped by the feudal barons, and it has continued to the present day to be essentially an arbitrary privilege of the wealthy and aristocratic classes. In the time of Richard the Second it was enacted that no artificer, labourer, priest, or other clerk of small income, "shall have or keep from henceforth, any greyhound, hound, or other dog, nor shall use ferrets, nets, &c., to take deer, hares, nor conies, nor other gentlemen's game, upon pain of one year's imprisonment." This law has been repealed, but the same spirit runs through every later enactment; it is at the peril of the lieges if they take or disturb "gentlemen's game." In Scotland the right of killing game seems to have been enjoyed by the whole population up to a comparatively recent period. It was only in 1621 that the first statute in regard to this matter was passed by the Scotch Parliament. With characteristic brevity it simply enacted, "That na man hunt or hawk at any time hereafter, who hath not a plough of land in heritage, under the pain of ane hundred pounds," which sum, being only Scots money, amounts to £8 6*s.* 8*d.* sterling. This old statute still remains in full force north of the Tweed, and the penalty quoted admits of no modification, but is often added to the penalties for trespass and for the want of a licence to crush landless poachers, though no qualification beyond the licence from Government is required in England. The differences betwixt the law as it exists in both countries, and various anomalies common to both, must speedily attract the attention of Parliament. At present almost every newspaper in Scotland is discussing the effect of proposed alterations or modifications for the amendment of these laws, and some, at least, advocate their total abolition. Even a cursory examination of them will show how vindictive, if not ferocious, the penalties are for any infringement of their enactments. Their effect is also most disastrous on the morals of the labouring class in the rural districts. Within the last twenty years the convictions under them have increased from 5,000 to upwards of 10,000 in England alone. The loss sustained by tenant farmers from the destruction of their crops by game has long been a cause of just complaint; and it is admitted by every competent judge, that high or profitable farming is incompatible with game preserving. I have a strong belief myself that all game laws might be utterly abolished, with great advantage to the whole community; and if a more stringent law of trespass was thought necessary, though no special damage was incurred, a penalty not exceeding 40*s.* might be recoverable like

other debts, besides compensation for any damage, even the carrying off of hares and pheasants by wilful trespassers.

But I appear here as representing the Scottish Chamber of Agriculture. I propose simply to advocate the resolutions agreed to by that body; and to show that these laws ought to be modified and amended, so as at least to render them more in harmony with justice and right feeling. There can be no reason for a qualification Act being in force in Scotland, when none is required in England. In the latter country a tenant has full right to the game on his land, unless he voluntarily divests himself of it in his agreement with the landlord; but in Scotland a tenant cannot hunt or kill game, without the special authority of his landlord, however long his lease may be, even though it was renewable for ever. It is even matter of doubt, if the owner of an entailed estate can legally grant a lease of the game for a term beyond his own life. On the other hand, proprietors and all authorised by them may hunt and kill game at pleasure in the fields and enclosures occupied by a tenant. Doubtless a landlord has full right to make his own terms in parting with his land, provided he can get people to agree to them; but to let land first to grow crops, and then, it may be, to let the right of consuming these crops, or to retain it for himself, is, to say the least of it, unwise on the part of the agricultural tenant, and not very creditable on the part of the proprietor. In Scotland tenants are invariably assured that the game will be kept down, so as to prevent all injury to crops, and I willingly admit this promise is generally kept by the great majority of landowners. Still there are numerous instances of great losses to tenants, particularly where hares and rabbits are preserved. It is true many tenants bind themselves to refrain from seeking all redress for losses from game, however much their crops may be destroyed. It is exceedingly foolish, but it is more so in appearance than reality, as game damages are found to cost more in recovery, even when successful, than the amount claimed. That is to say, if the landlord litigates the case, as he has it in his power to do, and generally does. If the suit is commenced before the Sheriffs, it can be taken to the higher courts; but even if begun before the Lord Ordinary in Scotland, it can be carried to the Outer House, and then the Inner, and, finally, to the House of Lords. The expense and anxiety of this course of action makes it wisdom on the part of the tenant to submit to the first loss, and endeavour, as speedily as possible, to get quit of the farm. Were actions for game damages to be final before the Sheriff or paid magistrate, justice would be more easily attainable, and landlords would then become more chary of increasing game to an unreasonable amount. But besides the actual damage done by game, it is the cause of more jealousy and quarrels betwixt landlord and tenant than all other causes put together. I was lately shown a letter written by a proprietor to one of his tenants, dated only last month, and of which I took a copy, as a curious specimen of the light in which some proprietors view their tenants, and the insolent conduct they sometimes, unconsciously, use towards them.

In this letter the landlord complains that the son of the tenant "had been seen shooting rabbits, and without the slightest excuse in the way of their damaging your crops. Some time previously my keeper and gardener met your son and another person near———, having a greyhound, with a loose rope round his neck ; of course it is not difficult to conjecture what was intended. You are yourself, I believe, aware of an incident where your son and, I believe, two other persons, were distinctly seen to course several hares. Whether this was on my ground or that adjoining I am uncertain ; however, I fancy it is very doubtful whether the proprietor's permission was given to such a proceeding." Finally he "hopes he may have been misinformed, but does not think having him for a tenant a subject for congratulation." Now, there is not one word about game in this tenant's lease. Rabbits are by law game and not game ; but they are not game to the tenant in this case, and he could shoot or trap them as he chose. The landlord, in fact, admits this, though he seems to think the rabbits should have first damaged the tenant's crops. I would ask what did they live and multiply on but the tenant's crops ? They could not be there at all without damaging them. Then the boy seen with the greyhound and the rope round its neck (a boy under 9 years of age) on the public road—why, he was simply taking home the animal, that had strayed from a neighbouring farm, the same where the coursing took place. This story of the coursing is a beautiful illustration of the sort of tales carried by gamekeepers to their masters, and of the credulity of the latter ; the keepers had seen "distinctly" this tenant's son and two other persons course several hares, but were unable to say whether it was on this farm or that, though it was on an estate where the tenant had leave to course and where the boy went by invitation. Mark also the view the landlord takes of what he styles "such a proceeding" (the coursing of hares by a tenant). "I fancy it is very doubtful whether the proprietor's permission was given." The arrogance of this letter will be more apparent when I tell you that this tenant has spent several thousand pounds (not a penny of it made by farming) in bringing into cultivation some 200 acres by trenching, liming, draining, and fencing with stone walls what was previously a barren heath. He was under no obligation to do so, and it is doubtful whether he will recover the whole of his capital ; but one thing is certain, he will, at the close of his lease, return the farm to the landlord worth a great increase of rent, the effect of these permanent improvements effected by him with his own capital. Few tenants care about shooting or hunting ; I believe not one in ten would use the privilege if they had it ; and I have come to this conclusion from my knowledge of those who have, or have had, the sporting on their farms. But there is one thing they do dislike, and that is being watched and challenged for herd-boys firing guns and sheep-dogs frightening hares. I will say further, tenants are glad to see their landlords sporting on their farms, provided the game is only sufficient for fair sport, and that it is not preserved for a single

day's murderous slaughter, as is now the fashion, and the produce sent to the poulterer, to the diminution of that produce which should have been sent to the butcher. Partridges, even when numerous, do comparatively little harm to crops. Pheasants are very destructive, but they are confined to particular localities, where they are reared under hencoops and fed by the hand when young. They are excellent birds on the table, but I cannot see the sport of shooting such large half tame animals. Cultivated land in the neighbourhood of preserves, should be in the owner's own hand; but if farmers do hire land in such situations, they know what they may expect. Sometimes preserves adjoin the farms of other proprietors, and I have known some hard cases, where the tenants' crops were greatly injured year after year by game reared on adjoining properties, and the tenants refused all redress. But hares and rabbits are the great causes of complaint; they increase rapidly, if simply let alone. On many farms Swedish turnips cannot be left on the ground during winter without great loss, as the hares break the skin of bulb after bulb, which renders them liable to be easily destroyed by frost. It is often impossible to lift them in the autumn without poaching the land in wet weather, and even if they could be removed they are worth much more to consume by sheep in spring on the land where they grew.

A perusal of the evidence given before Mr. Bright's committee on the Game Laws cannot fail to prove the difficulties farmers have frequently to contend with in regard to game, and the damage done to their crops by hares in particular. The evidence of the late Mr. Pusey, Sir Harry Verney, and Lord Hatherton, is most conclusive on these points. I will only quote a few words from Lord Hatherton's evidence—"I soon found, as a farmer desirous of introducing among my tenantry and into the neighbourhood a better system of cultivation, that it was utterly hopeless to do so, unless I completely destroyed the hares; for the attempt merely to reduce them was useless, for a good season repaired their number to such an extent, that I found there was no effectual cure but destruction;" and again, "hares will travel miles to the nearest field of Swede turnips—" a statement which I can personally corroborate. I have even counted 100 hares on a young grass field on a spring morning, not half a dozen of which remained on the farm during the day, but retreated to their cover fully two miles off. No one who farms land extensively, or who takes a practical interest in agriculture, will continue long to consider hares game, or anything else but a nuisance. The Marquis of Tweeddale is well known throughout the kingdom as a most enlightened practical agriculturist. I do not know a single person who makes his bread by farming, whose reputation for skill in agriculture stands so high as his lordship's does in East Lothian, or who has done so much to promote a profitable system of farming. Now his lordship preserves partridges and pheasants for sport to his friends, but hares are not permitted to consume either his own crops or those of his tenants. Lord Tweeddale also sets a noble

example to other landed proprietors, by his systematic destruction of wood pigeons, which are a pest that cause more loss and expense to farmers as a body than even game. But they have increased to their present enormous numbers simply from extensive woods and plantations being devoted to the rearing of game, and by gamekeepers destroying all birds of prey. But to return to hares; I think it must be evident that their preservation in a cultivated country is quite irreconcilable with the interest of the general population. Whatever I have said as to hares, applies with double force in regard to rabbits. Let both, then, on all cultivated land, be considered by the law as vermin, and after that landlords may make what stipulations in their leases they choose regarding them. There is one thing I decidedly protest against, and that is a licence being necessary for their destruction, however small the cost of it may be, any more than for the killing of rats and mice. If a farm were let on condition that rats were to be preserved for sport to the landlord, and should a farm labourer accidentally or even systematically destroy them, I do not think any penalties could be inflicted on such a person, or even on the tenant of the farm. But if licences are retained (unless the sanction of the proprietor is granted for destroying them), nothing will be gained by any change that can be proposed. I know it is said, why do not farmers make such stipulations in their agreement with their landlords as to ensure their freedom from game ravages? Doubtless it is in the power of a tenant to refuse to occupy land unless the game is let along with the right of cropping, but this is not, and has never been, the custom. The game has ever been universally reserved by the proprietor; it is impossible to obtain land on any other condition, and those who insist on having the game may make up their minds to retire from the profession of a tenant farmer. It is the law, and the law only, that enables the proprietor to carry out his terms in regard to game. The tenant is the weaker party, and surely it is not asking too much to have this law which enables the stronger party to carry out measures so detrimental to the whole rural population, at least modified to the extent indicated. But there are ways in which some farmers protect themselves from hares, and one is by having an active man on the farm who knows how to set "a wire." This is much more common than is generally supposed, but it frequently leads to great evils. I have known some old men who have snared hares from their youth, and who never went further in crime; but as a rule it is merely a training for those who make midnight incursions into pheasant preserves. By a single night's work in these preserves as much money is realised as by a month of honest labour. Riotous dissipation and idleness are sure to follow. Necessity soon compels them to try it again and again. If caught at last, to jail with them is the order. The chaplain there finds it impossible to effect the slightest reformation on them, as they indignantly deny they are thieves. They confess to having broken a law, but then it is a law of man's making, not of God's creating, for no one can say

these laws carry on their front the broad impress of truth and justice which all laws ought to have. One great improvement in the administration of these laws would be to have the trial of offences under them conducted before the paid magistrates in England, and the sheriffs of counties in Scotland in place of the justices of the peace, as at present. In the Night Poaching Act, sheriffs are mentioned and have jurisdiction, and all transportable offences must be tried by the Court of Justiciary. Now justices of peace are almost the only individuals interested in this matter, while their powers of punishment are great and arbitrary, and their judgment on the merits are final and conclusive. In both common and statute law, judges are debarred from sitting in judgment where they or their friends have the remotest interest, but these Game Laws have been enacted, and are maintained, for the sole benefit and pleasure of the very men specially selected to try the greater number of offenders against them.

One of the worst features of the Game Laws is the cumulative penalties that may be heaped on an offender. A person trespasses in pursuit of game. He is taken in the act, and a justice of the peace fines him for such trespass. But he has killed a hare or pheasant—a second fine is inflicted for being in unlawful possession of game, not being a qualified person. If he pays these two fines, he is next brought up for want of a certificate; and instances are by no means rare of persons being thus punished three times for the one offence. To show that these punishments are not light, I will try and state shortly what the Game Laws really are in Scotland. To kill game legally, it is first necessary to be in possession of a ploughgate of land, an undefined quantity, generally estimated at 60 or 70 acres. A person not so qualified, having in possession any game without leave from a qualified person, forfeits for the first offence, 20*s.*, and for all others, £2, and in case of not paying within 10 days, suffers imprisonment for six weeks, in lieu of the former penalty, and three months in lieu of the latter. If charged with being also in pursuit of game without the qualification, the penalty, in addition to the above, is £8 6*s.* 8*d.* A licence, or game-certificate, is also necessary. A person acting without one is liable to a penalty of £20, with costs, and also in the amount of the duty, and failing payment, imprisonment for six months. Prosecutions may be tried summarily, though the parties be absent, before two justices of the peace, or one justice, provided he is also a commissioner of supply, that is, the owner of land worth generally £100 a year. Sheriff Barclay, in his singularly instructive pamphlet, entitled "Curiosities of the Game Laws," remarks on this—"It is declared that the conviction must be by 'two justices.' But mark the strange addition—if a justice be also a commissioner of supply, this is held to be equivalent to two justices rolled into one. Because he can add to his signature the cabalistic letters of J.P. and C.S., he is held to be a judicial engine of two-justice power, capable of exercising the dynamics of two minds, or in fact, 'a man beside himself.' We venture to say, ran-

sack the legislation of all ages, and all lands, and such a monstrous anomaly will not be found as this, which blots our statute book, and is in daily exercise in these highly favoured lands." A distinction is drawn in these laws between day and night poaching; the daytime being from the first hour before sunrise until an hour after sunset, the remaining time of the 24 hours being held to be night. A trespasser during the day forfeits a sum not exceeding £2, with costs. Where an individual is disguised, or five persons trespass, each person forfeits a sum not exceeding £5, with costs. If a trespasser refuses to leave the ground, and to give his name and address, he may be seized and conveyed to a justice of peace, and summarily fined £5 and the costs, or, as we say in Scotland, "the expenses of process." In default of payment the justices may imprison for two months, with or without hard labour. Under the Night Trespass Act, any person entering upon land, open or enclosed, with instruments for destroying game, is liable to be imprisoned for a period not exceeding three months, with hard labour, and at the expiry to find caution himself in £10, and security for the same amount for avoiding such offence for a year. Under this statute, the Sheriff of Haddington, not very long ago, sentenced an individual to one week's imprisonment, with hard labour, but failing to find security, he underwent six months' imprisonment, in addition, with hard labour. So, for an offence for which the sheriff considered a week's imprisonment the proper penalty, the poor man, for being unable to find security, had to endure six months in jail, with hard labour. For the second offence the primary imprisonment is extended to any period not exceeding six months, and the security required amounts to £30 altogether, also the term of bail to two years, and the imprisonment, failing caution, to 12 months—making in all, 18 months' imprisonment, with hard labour. The third offence may be punished with transportation for seven years, or imprisonment, with hard labour, for a period not exceeding two years. Persons to the number of three entering on land for the purpose of killing game, with firearms, bludgeons, or other offensive weapons, are liable to be transported beyond seas for not less than seven or more than seventeen years, or to imprisonment, with hard labour, for a term not exceeding three years. Transportation beyond seas having now been changed to penal servitude for the like period, there arises an obvious conflict between the two modes of punishment. By an Act of 1844, this Night Trespass Act was extended to the taking of game or rabbits on any public road, in the like manner as upon any land; but the actual taking of game is necessary for conviction under this statute.

It will be observed there is a very great distinction between the penalty or punishment for a game law offence, depending on whether it has been committed during the day or night. For a day offence, the penalty is a pecuniary one, subject to modification, while for a night one, it is imprisonment with hard labour, which cannot be modified. The offences are distinct and separate, and it must be

stated under which Act the prosecution is conducted, as a minute of time or less would have the effect of placing the offence under either the one or other of the statutes. It is often difficult to determine whether offences committed in the morning or evening, belong to the day or night, and the proof is frequently very unsatisfactory as to the exact hour the offence was committed, or the time the sun rose or set at the place. It would surely be better to return to the hours fixed for summer and winter by the old Act, repealed I think in 1831, than having the time fluctuating as it is now, both morning and evening. Any person killing, selling or buying, or having game in possession in forbidden time, forfeits £5 for each bird, and in case of failure to pay within ten days, is liable to two months' imprisonment for each £5. These penalties admit of no modification. In one case, the combined penalties against one individual, amounted to £220, and the consequent imprisonment to seven years and five months. But the private prosecutor restricted his complaint to four birds, or £20 of fine. But surely this is a power too enormous for any private prosecutor to possess in the punishment of individuals. Public carriers, too, are liable to it, though they may even be in ignorance that they have in their possession anything so precious as muirfowl or other game. That this law must be systematically broken, is evidenced by the fact that the greater part of the licensed dealers in game in London and elsewhere, present for sale any quantity of the different varieties of game on the morning of the day on which their being killed is lawful. At the close of the Parliament of 1862 an additional game law was placed on the statute book. It applies to the whole kingdom, and its chief provision was to enable the police to act as gamekeepers, to empower them in any highway or public place to search any person they suspect to be a poacher, and also to stop and search any cart or other conveyance in or upon which they suspect game to be carried. But this search can only take place on a highway or public place, so that the poachers have only to leap a hedge and set their pursuers at defiance. In some counties in Scotland, gamekeepers have been sworn in as constables to meet this difficulty. Gamekeepers thus become the servants of the Queen, though remaining the paid retainers of private individuals. This Act was vigorously but unsuccessfully opposed. It contains several anomalies which render it still doubtful how far it is workable in Scotland and Ireland. It places rabbits again in the list of game animals, and even increases the penalties for game offences; for simple trespass, for instance, from £2 to £5; and as the previous Act is not repealed, it is probable an offender may be mulcted in the penalties under both statutes. The resolutions adopted by the Scottish Chamber of Agriculture, were—

1st. That hares and rabbits be dropped from the game list.

2nd. That all prosecutions for offences against the Game Laws be transferred from the justices to the sheriffs of the respective counties.

3rd. That cumulative penalties for the same offence be abolished.

4th. That damages be made exigible by statute in all cases of injury caused by increase of game during the currency of the lease—the amount to be determined under the authority of the sheriff.

If effect were given to these resolutions by legislative enactment, it would satisfy by far the larger proportion of agricultural tenants, and if the complexities of these laws were simplified, and their cumulative severity diminished, it would tend much to make a better feeling in society; and even the object at which they aim would be better attained, by enlisting more generally in their favour the feelings of the community.

On the Closing of Public Houses on Sunday. By Robert Martin, M.D.

If the object of this Association be more especially to consider the best means of promoting the social improvement of the people, then I know of no subject more worthy of its very careful attention than that of closing public houses on Sunday. There is good reason for believing that there are few legislative enactments of anything like equal importance, which could be more easily obtained, because there are few against which valid objections are more difficult to be found, were it sought in the right manner; whilst there are few measures which would be so generally welcomed, because few which are likely to diffuse such general advantages.

By no class of persons would this change be more highly appreciated, if brought about in a friendly spirit, than by the respectable portion of the publicans, many of whom are exceedingly desirous of being set free from the necessity of opening their places of business on Sunday. At present, the individual who closes on that day gives his rival an important advantage; nevertheless some make the sacrifice, in order to secure for their families and themselves, the quietude and seclusion enjoyed by every other class of tradesmen. It is by no means uncommon to find publicans expressing a wish that there were a law, compelling all to close alike. Four years ago the Liverpool publicans were thoroughly canvassed, by the Rev. Dr. White and other gentlemen, in order to ascertain how far they were disposed to go, in reference to closing their houses on Sunday, and the following were the results:—

Signed the document in favour of total closing	756	870
Would be glad of the Act but would not sign	113	
Refused to sign and believed to be opposed		252
Houses kept by servants or parties neutral, or not in a position to sign		97
Not seen though repeatedly called on		90
For keeping open an hour or two on Sunday		6
Hotels and houses closed at present		85
		1,400

The objection is, however, sometimes raised, that the closing of public houses on Sunday would seriously inconvenience the poorer class of the community. But it is generally found that this allegation is made by individuals who have little or no real acquaintance with the wants and wishes of the persons on whose behalf they undertake to speak. The universal report of those who have tested the feelings of the working-classes, is, that the majority would be well pleased if these places were wholly closed on Sunday. A year or two ago this point was also very carefully tested in Liverpool. The whole town was canvassed, and it came out that there were :—

For the total closing of public houses, &c., on Sunday	41,149
Against Sunday closing	3,330
For closing except for two hours	6,417
Neutral, " don't care how it is"	6,339
	57,235

Those persons who urge the objection that by closing the public house on Sunday, we thereby deprive the poor man of his beer, forget that, with a little care, this beverage will keep quite as fresh as the beef which has to be bought on Saturday night. Indeed the beer which these very gentlemen, in nine cases out of ten, drink over dinner on Sunday, has been kept in their houses for weeks, simply because it was bottled when purchased. Beer if poured into a clean bottle, fitted with a tight and sound cork, may be kept for months, and when poured out, will drink as briskly as though it had just been drawn from the tap. Already a publican here and there sells single pints or quarts of beer thus bottled, to his Saturday night customers, and if Sunday closing were enacted by law, this custom would become much more general.

But, on the ground of national consistency, it is very desirable that a change should be made. The law decrees that the baker, the butcher, the grocer, tradesmen of all classes, save and except the publican, no matter how essential their occupations may be for properly supplying the absolute wants of society, shall be prevented from carrying on trade during Sunday ; but it permits of trading in an article which not only is not essential to life, but which is often most adverse to it. Whilst it inexorably closes museums, picture galleries, &c., on that day, it yet tolerates the opening of gin palaces and beerhouses. This is monstrous, and requires speedy rectification.

The benefits likely to accrue from closing public houses on Sunday are not mere matters of speculative opinion. Past experience proves, beyond all dispute, that the good of society would be greatly promoted by such a change. In Scotland the result has been of a truly gratifying kind. In seventeen of the chief towns, containing about a third of the population, the cases of drunkenness and crime, in the three years preceding the passing of the Forbes M'Kenzie Act,

amounted to 145,366; and in the three years after, they fell to 116,101, being a decrease of 29,265, or one-fifth. In Glasgow and Edinburgh the change was of a specially marked character.

Dr. Strong, the City Chamberlain of Glasgow, in his report says:—

"Hence it appears that in the course of three years the police cases of Glasgow have diminished—of males to the extent of 4,380, of females 1,345; and these, too, in the face of a greatly increasing population. Of these, 4,025 were a decrease in cases of drunkenness, and the entire diminution took place after the Act."

Captain Smart, the Superintendent of Police, in his report for the same year, says:—

"The same improvement in respect to order and decorum in our streets on the Sabbath-day still continues; and on Saturday nights, by twelve o'clock, peace and good order obtain, instead of, as formerly, a state of turmoil and disorder continuing the whole of the Sabbath morning. In the police-office, where Sunday used to be a busy day, it is now perfectly quiet; and it is not unusual for a whole Sabbath to pass without a single case of any kind being brought in."

In Edinburgh, previously to the change in the law, it had been found that crime was increasing so greatly, that it was absolutely necessary to provide increased prison accommodation. For this object a sum of £12,500 was voted. Fortunately, prior to the commencement of active operations, the new law came into force, and immediately such a declension in the number of committals ensued, that the old prison was soon found to be more than large enough for all sent to it, and the new jail has not been commenced to this day.

The Royal Commissioners appointed by Parliament to take evidence as to the operation of the measure gave very emphatic testimony in its favour, as will be apparent from the following extract, taken from the report presented to both Houses of Parliament:—

"The improvement in large towns has been most remarkable; whereas formerly, on Sunday mornings, numbers of persons in every stage of intoxication were seen issuing from the public houses, to the great annoyance of the respectable portion of the population on their way to church, the streets are now quiet and orderly, and few cases of drunkenness are to be seen. The evidence of the police authorities proves that, whilst there has been a considerable diminution in the number of cases of drunkenness and disorder since the passing of the Act, the change has been more marked on Sunday than on any other day of the week. Employers of labour, and workmen themselves, are unanimous in testifying to the great improvement that has taken place in the regularity of attendance at work on Monday morning, and many publicans examined before us express themselves as grateful for the existing law."

It may be objected to the pertinence of these extracts, that whilst such results might be very possible in a country like Scotland, where

public opinion is very strongly pronounced in favour of the strict observance of Sunday, we could scarcely expect the same success to attend a similar measure in England. Here, again, fortunately we can appeal to actual fact. The changes wrought by Colonel Wilson-Patten's Act, which only permitted drink to be sold, from 1 p.m. till 2½ p.m., and from 6 p.m. till 10 p.m., were something marvellous wherever the Act was enforced. Take, for example, the reports given in the London newspaper of the time.

"SOUTHWARK POLICE-OFFICE, MONDAY, AUGUST 14, 1854.—This court had a very unusual appearance—such as had not been known before on a Monday within the memory of the oldest officer, owing chiefly to the new Publichouse Law, which came into effect on Sunday. The usual average number of drunken charges taken into custody on Sunday amounted heretofore to between thirty and forty persons, and generally occupied the attention of the magistrate the chief part of Monday morning. Yesterday, however, there was only one drunken person charged, and only two trifling assaults. The latter were committed on Saturday night, and the drunkard was found on Sunday morning."

Its effect was, perhaps, even more marked at the Marlborough Street police-office: —

"On Monday morning a very striking exemplification of the effects of the new Beer Bill was presented by the night charges. The number of cases on Monday, which includes Saturday night and Sunday night offences, has varied, before the new Act came into operation, from sixty to about one hundred. On Monday, the Act having come into operation the previous day, the whole number of cases, drunken cases included, was only twenty-five, and not a single drunken case was brought to the station-house from twelve o'clock on Saturday night up to Monday morning inclusive, thirty being the average previously."

The following extract vividly shows the effect of the new law at another police court, a fortnight after its being put into force:—

"BOW-STREET.—The operation of the new Act relating to the public-houses has had a marked effect upon the business of this court on Mondays. Hitherto the proceedings on Monday have been almost exclusively confined to drunken charges. Frequently, as many as seventy cases have been heard in succession, and generally about two-thirds of the offenders have been women; while more than half the entire number have been taken to the police-stations after ten o'clock on Sunday night. On the first Monday subsequent to the passing of the Act, however, only one drunken charge was received in the district after ten o'clock. On the following Monday there was not a single case received, and the prison vans left Bow-street, for the first time within the experience of the magistrate, without conveying a prisoner of any kind from the court. On Monday last, again, there was only one case of drunkenness, which had been received after ten o'clock the previous night."

When the law had been in operation for about five months, Mr.

Gilbert à Becket, the stipendiary magistrate at the Southwark police office, wrote to *The Times*, testifying to the great good effected by it.

He says :—"Previous to its coming into operation, the business at this court was not only considerably greater on Monday than on any other day in the week, but it consisted chiefly of cases of drunkenness, and of assaults, more or less violent, that had been committed under its influence. From the day when the Act came into effect, I have kept an account of the number of charges of Sunday drunkenness which have been brought before me every Monday on which I sat here, and I furnish you with the result :—Monday, August 14th, one case of Sunday drunkenness ; Monday, August 21st, not one ; Monday, August 28th, one ; Monday, September 4th, one ; Monday, September 18th, two ; Monday, September 25th, three ; Monday, October 9th, one ; Monday, October 16th, one ; Monday, October 23rd, four ; Monday, October 30th, one ; Monday, November 6th, not one ; Monday, November 13th, three ; Monday, November 20th, five ; Monday, November 27th, four ; Monday, December 4th, two ; Monday, December 11th, one ; Monday, December 18th, four ; Monday, January 1st, 1855, one ; Monday, January 8th, two ; making in all thirty-seven cases in nineteen days—a fraction less than two on an average for each Sunday.

Thus it appears that instead of 30 or 40 drunken cases, as formerly, being brought before the magistrate on a Monday morning, the average number sank to a fraction less than 2 ; and on more than one occasion there was not a single drunken case. Did the time allotted to the reading of each paper permit, I might adduce evidence of an equally satisfactory character, in reference to the effects produced in other parts of the country.

It must, however, be allowed, that in some places the Act did not work well. Whilst in some towns it was highly valued, in others it was regarded as unfairly interfering with the liberties of the people, and was proportionately unpopular. The opponents of the measure took advantage of this and other adverse circumstances, to attempt the repeal of this most useful measure. Unfortunately the House of Commons allowed itself to be overawed by demonstrations got up in Hyde Park against Lord Robert Grosvenor's Bill for the Suppression of Sunday Trading. In the most cowardly and precipitate manner the Act was repealed. In order to placate a London mob, led on by low publicans and other disreputable characters, the order-loving, peace-preserving people of Liverpool, Manchester, and other important places, were suddenly deprived of a highly-prized boon.

It is much to be regretted that Col. Wilson Patten's Bill was not made voluntary, in the same manner as the Health of Town's Act had previously been. The measure was made compulsory; and Englishmen have a very strong dislike to compulsory legislation in matters specially affecting their domestic life and cherished usages. Point out to them the advantages which would accrue by the adoption of a certain course, and place these within their reach, and sooner

or later they will be accepted. But woe betide the attempt to coerce them into improvement. In their agitation, the sanitary reformers were actuated by the noblest motives, and felt that there was a vital need for the enforcement of strong measures; but when they sought to gain their objects by a compulsory enactment, they evoked a general outcry of "dictation," "coercion," and "tyranny," and were almost overwhelmed with the clamour which the high-handed policy they attempted, provoked. But these gentlemen yielded to wise counsel; and instead of thrusting their measure on localities which, from lack of intelligence or some other circumstance, were unprepared to accept it, they gave to it an enabling or permissive form—they left its adoption to the voluntary act of each locality, assured there was sufficient good sense pervading their countrymen to induce the general acceptance of principles, of the abstract soundness of which there was no question. This conciliatory policy was thoroughly successful, tumultuous opposition ceased, antagonism was disarmed, and the Act, in the course of a few years, came into general adoption.

The late attempts at legislation on this subject failed, owing to this point having been overlooked. Mr. Somes evoked a general cry of dictation, tyranny, &c., from the press, which re-echoed most harshly and fatally in Parliament; owing to the compulsory character of this measure. Tentative legislation is the only form which can be successful, where public opinion greatly differs as to the desirability of certain changes. Whilst Liverpool, Manchester, Hull, and Birkenhead are strongly in favour of Sunday closing; Birmingham, Sheffield, Newcastle-on-Tyne, and Derby have shown themselves to be strongly opposed. Liverpool will never cease to fight against compulsory opening; Birmingham would most likely never cease to fight against compulsory closing. A permissive measure might satisfy both; and if the various localities in London were included, one part would adapt the measure, whilst any other would be at perfect liberty to reject it. After a time, however, when places at present antagonistic had had an opportunity of observing the admirable results springing out of its enforcement elsewhere, the most sceptical and the most opposed would give way, and its general adoption be assured. Sir G. Grey's Night Closing Act presents an admirable precedent. A measure could be easily moulded thereon, which would be applicable to the whole country.

Municipal Savings Banks. By Joseph Rayner.

Though the saving of money cannot in itself, irrespective of means or objects, be considered a commendable act, the development of thrifty habits is nevertheless desirable, inasmuch as it tends to remove farther from the less favoured classes of society those difficulties

and trials to which they are ordinarily exposed, and also to create in them a feeling of independence and self-respect.

The subject of Savings Banks has, therefore, always proved an interesting one: and any suggestion which tends to foster prudential habits will, I have no doubt, receive the careful attention of the Association. The object of the present paper is to submit for the consideration of this Department one or two propositions with reference to the employment of savings in the execution of sanitary and other municipal works, instead of investing them, as now, in Government Funds.

The Savings Banks in the United Kingdom at present hold, on behalf of depositors, about forty millions sterling (upon which £3 per cent. is paid), and the Post-office Savings Banks about six millions (upon which interest at £2 10*s*. per cent. is paid), giving an aggregate annual income from savings of £1,350,000; but the payment of three per cent. by the ordinary Savings Bank is not accomplished without loss to the State, because it is found that the funds accumulate when the ordinary rate of interest is low, and Government Stock high, whilst the withdrawals take place when money is high and the funds low, involving losses on the investments of stock to such an extent, that the deficit on this account now amounts to upwards of two millions.

These investments may be considered to be perfectly safe, and they entail no trouble or responsibility whatever upon the depositors, beyond attending to pay in the deposits, to give the requisite notice for repayment, and to receive the amount deposited with interest. On this account they are much to be preferred by the class who avail themselves of them to any other mode of investment, which should involve any risk, or even apprehension of it, or entail upon the investor any loss of time, or any trouble which, from the nature of his employment or other circumstances, he is unable to devote.

It remains to be seen, whether any other mode of investment can be made available, combining with the advantages just mentioned the means of paying legitimately, and with advantage to the borrower as well as the lender, a better rate of interest than is now attainable, and thereby affording a stronger inducement to save.

It is well known that many of our large towns and manufacturing villages are engaged in the execution of important works of a permanent character, such as gravitation water works, sewerage works, street improvements, baths and washhouses, markets, gas works, &c., some yielding a permanent annual revenue, others not, but all, generally speaking, having an important beneficial influence upon the sanitary condition of the inhabitants of the towns in which they are undertaken. In all these cases considerable loans have to be obtained, and, as the security comprises both the works to be executed and an unlimited power to rate the district for which they are undertaken, it is always ample, and generally quite unexceptionable. The average rate of interest considerably exceeds four per cent., and the loans are generally obtained upon debentures for three, five, seven, or

ten years, involving an expense in commissions or procuration fees, solicitors' charges, stamp duties (where securities not exempt), loss of interest in accumulating moneys in bankers' hands to meet loans falling due, &c., amounting to at least 3-16ths per cent. per annum on the amount borrowed, so that I feel quite sure I am within the mark in saying, that the rate of interest paid, including expenses, exceeds 4¼ per cent. If, therefore, savings in each particular town or district can be made available for its municipal requirements, the ratepayers can afford a much higher rate than the Savings Banks give, and still effect a saving.

There are two modes by which it appears to me this object may be effected.

The Directors of Savings Banks might be authorised to advance their funds, or a specified portion of them, at four per cent to the Town Council or Local Board of the town or district, in which the bank carries on its operations, on security of the works and rates to be constructed or levied under a local Act, or the Local Government Acts, and to pay the depositors a proportionately higher rate of interest. This might be effected without any additional legislation beyond an amendment of the Savings Banks Act; and its great advantage is that the existing machinery would suffice, and no additional expenses would be incurred by the Town Council or Local Board accepting the loan.

There are, however, some objections to this mode, which require careful consideration, before its adoption can be recommended.

In provincial towns many of the members of the Town Council or Local Board are no doubt upon the Board of Direction of the Savings Bank, and the facility of transferring funds from the Bank to the Municipality might, under such circumstances, prove a strong temptation to a lavish or inconsiderate expenditure, and a not over careful scrutiny of the security. Again: if either the Municipality should not require the whole of the funds, or the Bank should not be allowed to lend the whole, the balance would, as now, be invested in Government Stock. In the event of withdrawals requiring investments to be realized, the Government Stock would, of course, be sold first, and as these investments eventually result in a loss, it would not be reasonable to expect the State to bear the loss, in order to leave the Municipal security intact.

The second mode I have to suggest is this:—That Town Councils and Local Boards should be empowered to establish Municipal Savings Banks, by means of which, under the authority of a general, or of a special local Act, Corporations and Local Boards of Health should be authorised to borrow, in small deposits, such a sum as may be sanctioned by Parliament, or by the Home Secretary, in the same way as loans are now allowed under the Local Government Act. This amount might be restricted to a certain proportion, say one-third or one-half of the whole debt, which the Corporation or Board are empowered to borrow. I think there would be no possibility of risk if the aggregate amount of the deposit to be received were in no case to exceed the amount obtained from other sources, and were also

limited to half of the amount authorised to be borrowed; and for the whole of which, Parliament or the Home Secretary, had been previously satisfied there was good security. A condition might also be imposed, in the nature of a sinking fund clause, that the aggregate amount to remain due from time to time to depositors and upon other securities, should be gradually diminished in rateable proportions, so that the whole debt should be extinguished within the period allowed. The rate of interest which I propose should be given, is three farthings per pound per month, free from all deductions (disregarding fractions of pounds and months), being equal to £3 15s. per cent. per annum, which would give the depositors 15s. per cent. per annum more than the existing Savings Banks, and 25s. per cent. per annum more than the Post Office Savings Banks, and Corporations and Local Boards would be able to pay these rates of interest and the expenses of management, without paying altogether so much as the average rate of interest now paid by them; in fact, they could afford, beyond paying these rates of interest on small deposits, to give any depositor one of the debentures now usually issued at 4 per cent., when his deposits, from time to time, amounted to £50, repayable either at the end of a period of years, or upon a specified notice on either side.

In a recent letter to the Chancellor of the Exchequer, I illustrated the operation of the scheme by reference to the Bradford Savings Bank, the present depositors in which would gain £2,125 per annum in interest by its adoption, and a transfer of the savings to the Corporation, besides leaving a margin of £1,275 per annum (taking the present rate of interest paid) for expenses of management. As another illustration, I may mention Manchester and Salford. The Municipal debts of the city and borough together exceed two millions and a-half. The security is perfectly unexceptionable; but the average rate of interest exceeds 4 per cent., and, including mortgage expenses, I have no doubt it will be at least $4\frac{1}{8}$ per cent.

The amount due to depositors in the Manchester and Salford Savings Bank, on the 20th November last, was £1,276,121; and if £1,250,000 of this sum were taken by the two Corporations at $3\frac{3}{4}$ per cent., the annual gain to the depositors in interest would be £9,375. Moreover, of this Savings Bank Fund, a sum of upwards of £750,000 is in amounts exceeding £50, and if this be taken at 4 per cent., the total annual gain to depositors would be £11,250, leaving (taking the rate of interest now paid—$4\frac{1}{8}$ per cent.) a margin for the Corporation expenses of £2,312, which is only £1,000 less than the entire annual expenses of the Savings Bank.

The only objection to the scheme, of which I am aware, is, that Corporations and Local Boards have no convertible security upon which to fall back in the event of large withdrawals by depositors; but this when examined into presents no practical difficulty. It is found by experience that in ordinary times a few hundred pounds in cash serve to work Savings Banks with very large deposits, and that periods of stagnation in trade and consequent distress to operatives do not cause any considerable withdrawal, partly, no doubt, because

those who are prudent and saving in good times are careful and economical in bad times, and rarely withdraw any portion of their savings, and, partly also, because a large proportion of the depositors are domestic servants, chiefly females, who are not much affected by depressions in trade. I will give two illustrations which go to confirm my conviction that there is no danger to be apprehended from the nonconvertibility of the security.

During the most recent period of depression which has affected Bradford, extending more or less from 1853 to 1858, the Savings Banks Funds varied as follows, starting with a gross amount of deposits of £161,296, on the 20th of November, 1853 :—

From 1853 to 1854	the amount decreased		...	£6,574
,, 1854 to 1855	,,	,,	...	3,163
,, 1855 to 1856	the amount increased	£4,087		
,, 1896 to 1857	,,	decreased	...	793
,, 1857 to 1858	,,	increased	34	
,, 1858 to 1859	,,	,,	25,112	

I am not aware what amount of loans the Corporation repaid in those years, but it is absurd to suppose there would have been any difficulty in meeting the excess of withdrawals over receipts in the years 1854, 1855, and 1857; and I may mention that, during the last three years, the Corporation paid off loans, amounting altogether to upwards of £200,000. Again, referring to the Manchester and Salford Savings Bank during the period of depression, arising from the cotton famine, the amount of deposits varied as follows, commencing with a balance in hand of £1,277,822 on 20th November, 1860 :—

From 1860 to 1861	there was an increase of	£28,507		
,, 1861 to 1862	,,	a decrease of	...	£28,658
,, 1862 to 1863	,,	an increase of	9,461	
,, 1863 to 1864	,,	a decrease of	...	11,011

Taking the worst year, 1862, the excess of withdrawals would, of course, have been a mere bagatelle to the Manchester Corporation, which in the three years up to December, 1864, actually paid off debentures amounting to upwards of £300,000.

I have not been able to ascertain the bank rates of discount during the periods of withdrawal; but I have no doubt that if the reasons for withdrawals could be ascertained, it would be found that a considerable proportion was for the purpose of re-investment at a higher rate of interest, and that the aggregate amount would have been considerably less, if the depositors above £50 had been receiving 4 per cent., and the rest £3 15*s.*, instead of the whole receiving only 3 per cent.

It is important to bear in mind that it is not proposed in any case to extend the borrowing powers, but only to alter the mode of borrowing a portion of the debt; and, as there is nothing at present to prevent town councils and local boards from borrowing any amount, however small, at such a rate of interest as may be agreed upon with the lender, all that is required is legislative sanction to a form of mortgage or debenture, and mode of registration, adapted to small loans, made from time to time.

Assuming that there is a large number of working men who would be quite satisfied with the security which these municipal authorities have to give, who are at present obliged to take a less remunerative investment (and I have no doubt such is the fact), the statutory authority required is more in the nature of a relief to the depositors than to borrowers, who at present possess power to borrow as much as they require, though not the machinery to adapt their security to to the circumstances of all their lenders.

A form of debenture, expressing clearly and concisely the terms of deposit, may be easily framed to fold up to the size of an ordinary savings bank book, of which it would form the first sheet, and to which the book itself would be a schedule, and the name and address of the depositor, with a duplicate of all the entries in his book, might be entered in a register corresponding with a savings bank ledger. The interest being three farthings per pound per month, the accounts would be very much more simple and more easily kept than those of existing savings banks, as monthly interest at 3 per cent. on a less sum than £5 cannot be worked out without fractions of farthings, and the calculations at 3 per cent. are throughout much more complicated than where the rate of interest is at $2\frac{1}{2}$ or $3\frac{3}{4}$ per cent. I have no doubt whatever that a very slight addition to the staff in the borough accountants' offices in our large towns would be sufficient to manage a large amount of business, and that the municipality would save a considerable sum after payment of expenses.

I do not, however, wish to put the value of the scheme upon the advantage to be gained by the corporate body. I feel quite satisfied the local authorities would at all events gain or save something, and the State would, also, be a gainer by avoiding the loss which now arises on investments in stock ; but the great advantages I look for are, the additional inducement to save from the offer of a higher rate of interest, and, of course, the substantial pecuniary benefit resulting from it, and the increased interest which the prudential portion of the artisan class would take in the sanitary works of the towns and districts in which they live, if their savings were invested in them, eventually inducing them to take a livelier interest in those vital questions affecting the public health which now engage so much attention. I feel sure, also, that the great body of the working classes of this country have so much at heart the welfare of the community, that nothing would yield them a more lasting gratification than to find that their savings were diverted into a channel of increased usefulness; that by means of them the execution of sanitary works were expedited, resulting, humanly speaking, in the saving of that life which is so precious, individually considered, but whose preciousness in the aggregate me are so slow to realise.

The greatest enemies we have to contend with in our large towns are dirt, filth, and impurities of all kinds (in whatever shape they present themselves) ; and if we can enlist in our ranks the great mass of our artisan classes, not only do we gain increased strength for combined efforts, where combination can alone effect any result, but each one lending a helping hand becomes, individually, more

keenly alive to those matters requiring personal care and exertion (in which combination is of no avail), and more strongly persuaded how nearly akin godliness is to cleanliness, and how closely interwoven are our highest interests with the faithful discharge of our daily duties and responsibilities.

The Town Council of Bradford have deposited a Bill for (amongst other things) establishing a Corporation Savings Bank, based upon the scheme propounded in the foregoing letter and paper; and the town clerk will be glad to furnish copies of the clauses, with a view to obtain such suggestions as will render the measure as complete as possible, and a reliable precedent for other towns, if the scheme should be found to work satisfactorily.

Mr. Gladstone has been communicated with recently, and in reply states that he does not consider that he, as Chancellor of the Exchequer, has any title to object to the competition of the Bradford Municipality as bankers for the people; that the principle involved is an important one, but more for the consideration of the Home Office and the Cabinet than for him. He also promises to confer with Sir A. Spearman as to the proposed exemptions from taxation.

Since this opinion was expressed, the Town Councils of Manchester and Bradford have sent a joint deputation to Sir George Grey, who stated that he did not at present see any objection to the scheme, provided Parliament were satisfied in each case that there was a perfectly good security.

ECONOMY AND TRADE.

President.

EDWIN CHADWICK, C.B.

Vice-Presidents.

EDWARD HOLLAND, M.P. | G. J. SHAW LEFEVRE, M.P.
THOMAS HUGHES, M.P. | Alderman ROBERT JACKSON, J.P.

Secretaries.

ANDREW EDGAR. | R. M. PANKHURST, LL.D. | Professor WILSON.

Local Secretaries.

MICHAEL HUNTER, Jun. | SAMUEL PLIMSOLL. | R. EADON LEADER, B.A.

In this Department are considered the various questions relating to Economics, Social, Political, and Commercial.

SUMMARY OF PROCEEDINGS.

The following special questions were discussed in the Department:—

1. What are the best means of establishing a System of Authori-

tative Arbitration between Employers and Employed in Cases of Strikes and Lockouts ?

2. Can the Principles of Co-operation be profitably applied to Production ? And if so, under what Conditions ?
3. Is it desirable to Consolidate the Existing Railways of the United Kingdom into one System under Government Control ?

A Section of the Department dealt with the Licensing System.

In addition to the papers printed in the foregoing pages, the following were read in the Department :—

"Building Societies." By S. B. Auty.

"On Benefit Building Societies, with some Suggestions on the Desirability of Amending the Law Concerning them." By H. W. Ibbotson.

"Sheffield Savings Bank." By Frank Wever.

"On the Evil Effects of the Modern System of Usury." By George Hurst.

"Co-operation." By Henry Bach.

"On the Consolidation of Railways into one System." By Samuel Plimsoll.

"The File Trade. Its Importance, Locality, and Peculiarities." By Henry Turner.

"The Economical Use of Road Locomotives compared with Horse Labour." By Thomas Aveling.

"The House Accommodation of the People, in Relation to their Domestic and Social Condition, with Practical Suggestions as to the Further Development of Freehold Land Societies and Building Societies." By Thomas Beggs. (Printed at length in the *Journal of Social Science*, No. 4.)

"Facts and Fallacies in relation to Working Men's Clubs." By Rev. Henry Solly.

"Cheap Food." By Graham Gilmour.

"The Licensing System and the Permissive Bill." By Rev. Dawson Burns.

"On the Licensing System." By Rev. T. Hutton.

"On the Amendment of the Licensing System." By Robert Martin, M.D.

"Free Labour. The Cotton Culture." By Rev. Sella Martin.

"Free Trade incompatible with the existence of Custom and Excise Duties." By C. E. Macqueen. (*See* the *Financial Reformer*, No. 90.)

"Fiscal Reform." By John Noble. (*See* the *Financial Reformer*, No. 90.)

"Effect of the Poor Law on the Morality and Habits of the Working Classes." By S. Drew, M.D.

What are the best means of establishing a system of Authoritative Arbitration between Employers and Employed in cases of Strikes and Lockouts?

In addition to the paper by Mr. Wilson printed at p. 476, Mr.

Dronfield read a paper pointing out the advantages of Trades' Unions.

DISCUSSION.

Mr. FREDERIC HILL: Those who, like myself, take an active part in the Society for Promoting the Amendment of the Law, know very well that, until last session, there were statutory difficulties in the way of the amicable arrangements referred to in the paper of Mr. Wilson. Although the most important means for putting an end to strikes must be to give the employed a full knowledge of the concern in which they are engaged, and an earnest personal interest in promoting its welfare by a share of the fruits that result from their good management and economy, yet, until the Act of last session, it was at the peril of the employer so to remove the obstacles to co-operation, so to create an interest among his employés, and so to make the reward of labour depend not merely on the number of hours worked, but upon the general success that attended the establishment. All who have paid attention to the subject know that where such an interest has been created strikes have not appeared, and that where strikes did exist, and that interest has been created, they have disappeared. Several important instances, illustrative of that, are given by Mr. Mill in the last edition of his works, in the case of several working establishments in France, where the worst feeling existed between employer and employed. When this most beneficial principle was brought to bear—which, happily for France, the state of the law in that country did not prevent—a kind of war between employers and employed, a chronic state of dissatisfaction and ill-will, has been succeeded by peace, and a most happy feeling between the two parties. It is but justice to say that our law has been very defective in this respect; it is but justice that all who frame the laws of the country should take part of this blame of resulting evils to themselves, and not throw it upon the working-classes.

Mr. FISHER: The question that is put forward seems to me to admit of rather more discussion than would appear on the face of it. In some countries it has been found to be the interest of the State to act as arbitrator between employers and employed. I may allude particularly to Prussia. There are very large coal fields being worked in Prussia, and the Government of Prussia has estimated the proper sum per ton to be paid to those who raise the coal; and that sum the employers must pay, and the workmen must receive. I hold that it is the duty of the State to watch over the interest of each individual, and to prevent the oppression of one class by another. No one can deprecate strikes more than I do, but if men feel that they are not getting a fair proportion of the profit of their trade, if beforehand they put by from their wages to support them when they are idle, and say—"We will not work unless we get a certain amount of wages," I do not see upon what principle of law you can control them. Then comes the question, should the State come in and arbitrate? I think it ought, because the idleness of the men is a source of loss to the State. It is on that ground the State should come in, and therefore, whenever this state of things arises, that the employed, from an increase in the price of food or any other cause, are led to say—"We are not getting a fair proportion, as wages, of the profit made on this particular article," there should be some tribunal to settle the question, without having myriads of people thrown out of employment, without having them fall back upon the wages they have saved, or upon the wages of others who are at work; and thus an end might be put to the inconvenience that arises from the loss of a large mass of human labour.

Professor FAWCETT, M.P.: I would not have ventured to speak on this subject, which I know involves such vital interests between employers and employed, did I not feel that if I have not, perhaps, all the practical experience which employers and employed possess on the subject, yet I can discuss the question calmly and with an unprejudiced mind, because I am not in the least degree pecuniarily interested in these disputes. Therefore I am sure both employers and employed will think that the opinions I am now about to express are the result of a calm and dispassionate investigation. With regard to the opposite opinions which are generally expressed on the subject of combinations. One

class confine themselves solely to the abuses connected with them, and so confining themselves entirely condemn them. Another class, like Mr. Dronfield, dwell, and dwell with truth, upon the advantages connected with combinations, and therefore entirely approve of them. But I think I can put one or two points which Mr. Dronfield and Mr. Wilson would alike agree to adopt. I think they would agree with me in thinking that occasionally this power of combination has been abused. When it has been abused it has produced great misfortunes both to men and masters, and I am sure Mr. Dronfield must hope with me that these abuses may in future become less frequent. Now, with regard to these abuses, Mr. Wilson alluded to some of them. I at once say that I think the working men have a most indisputable right to combine, if they can support that combination without practising any coercion upon those who object to their proceedings. If men enter into a voluntary combination, and say—"Here are so many of us combined to work or not to work according as certain conditions are granted or denied"—I believe they have a most indisputable right to combine in such a way as that. But if, on the other hand, they say—"We will support these combinations by exercising coercion and pressure upon those who refuse to join us," then, I say, they are attempting that which cannot be tolerated. But now let us see whether the labourers have a chance of obtaining advantages by entering into those combinations which Mr. Dronfield has described. When I speak of combinations, remember I wish it to be understood that I imply those combinations which are voluntary, and which do not resort to force. Now, I think that in the existing economic relations between employers and employed, which I think I shall presently show are not satisfactory, these combinations are necessary in order to give the labourer the greatest possible price which he can obtain for his labour. The labourer is anxious to obtain the highest possible price for his labour; the employer is anxious to purchase that labour at the lowest possible price; and thus employers and employed become parties to a keenly contested bargain. I do not say that this is a satisfactory state of things; but it is the state of things which exists at the present time. Now, are the labourers more likely to be placed in a favourable position in arranging the terms of their bargain if they combine, or if they do not combine? I think they are more likely to obtain a satisfactory bargain if they do combine. There is undoubtedly among employers either a tacit or an open combination. Look at any trade—take the iron trade; what do we constantly see? The masters hold a meeting; they unanimously agree either to advance or to reduce their wages. A combination is formed amongst them; and these rates of wages are those which from that time will be offered to all the men who are employed in that particular branch of industry in that locality. Ought not the labourers to meet that combination by a similar combination of their own trade? Suppose, after this combination amongst the employers has been formed, the labourers do not combine—I will take the case of an individual labourer—suppose he goes to his master and makes this appeal. He says to him—"Your trade is prosperous. You have agreed to advance our wages 10 per cent.; I think that this advance is not sufficient. I believe that you could afford to advance our wages 20 per cent." The master's reply to him would be this—"I differ from you. We have agreed to advance your wages 10 per cent. If you like, you can remain in your employment, but if you throw up your employment, you cannot get higher wages in the district, for our decision as to the advance is unanimous." But suppose a combination is formed amongst the labourers, and they go with the power and authority of a great combination—suppose the delegates of this combination were to go to the masters, and say—"We have formed ourselves into a combination. Here are 10, or 15, or 20,000 of us. We have decided that we will not work unless 20 per cent. of an advance is granted to us." Why, then, the power of combination on the one side would be met by a corresponding power on the other, and the masters would have this issue placed before them, and they would say—"Well, this combination has been formed, and if we do not grant the request, we shall have to close our works, and bear a heavy and serious loss." Therefore, I think, in arranging the terms of the bargain, the labourers have placed themselves in an equal position with their masters, for they have exercised their equal right with their masters to enter into a voluntary

combination. But let the labourers not be mistaken as to what they will get by these combinations. They may make, and they have made, unjust demands; and when they make an unjust demand, depend upon it that if they punish their employers, they inflict a far greater punishment upon themselves. For suppose they make a demand for an advance in wages when the state of trade does not justify that advance, what is the result then? The masters cannot concede the request—the advance is refused; the employment is closed; the labourers suffer terrible hardships. It is no compensation to them to think that they inflict corresponding loss upon the employers, for the loss which they inflict upon the employers will ultimately, to a great extent, fall upon themselves; for, if they diminish their masters' resources, they diminish that fund from which their wages are paid. It is, therefore, highly desirable for themselves, that if these combinations exist amongst labourers, they should feel that they have a great responsibility to discharge, and that they should be certain as to the justice of their demands before they press them upon their employers. Now, with regard to strikes, it is almost a truism to remark upon the evil consequences which flow from strikes. Still, I consider that they are a necessary evil, arising from the present unsatisfactory relations which exist between employers and employed. What does a strike imply? It is this—if labourers think they are not paid sufficient for their work, they say—"We will refuse to work." It is exactly the same feeling which prevents the merchants selling their goods, if they think they cannot realise a sufficient price for them. Therefore, I believe that so long as the regulation of wages is simply a matter of pecuniary bargain, it will frequently happen that employers and employed will not be able to arrange between them the terms of that bargain; and if they cannot come to an arrangement, then, the necessary and unfortunate result is, a cessation of work, or, in other words, a strike. But there was one remark in Mr. Wilson's paper, of which I was previously aware, but which always, to my mind, throws a ray of hope over these melancholy disputes. He said, that in no trade in which a great strike has once taken place has a strike ever taken place again. Now, what is the moral which we can draw from that important fact? Why, the moral which I draw, is simply this—when this great battle between employers and employed in a trade has been once fought out, employers and employed both learn to recognise the other's power. The employers, on the one hand, know that if the employed are driven to it, they will refuse to work rather than accept wages which are unjust; and the employed, on the other hand, also come to know that if they make demands upon their masters which they consider are not just, and ought not to be conceded, then the employers, rather than submit, will close their works, and at once throw thousands out of employment. Therefore, having been taught this lesson by sad and severe experience, they learn to recognise the power which each class possesses; and, in the future, the demands which the employed occasionally make upon the employers are more just and reasonable, and the employers, also, fearing the consequences which a strike entails, are ever anxious immediately to concede to their labourers what they can justly and fairly grant to them. In that way, out of all this evil, we see a ray of hope. A strike is like a conflict between two nations. When nations have once contended with each other, they learn to respect each other's power the more. They know the consequences of such a conflict, and therefore in the future, they are more anxious not to do anything which shall lead to another international rupture. Now, is there any hope that henceforth strikes will cease by an improvement in the economic relations between employers and employed? I think there is. I think if the industrial supremacy of this country is to be maintained, that the production of wealth in this country must not be so sadly interfered with as it is at the present time by the frequent recurrence of those unfortunate disputes between employers and employed. How is wealth produced? It requires a joint effort between capital and labour; and if that work is to be efficiently done, ought not the people who make this joint effort to be connected by some other feeling than that of pecuniary interest? I believe that this truth will gradually dawn both upon employers and employed; and I hope that the day is not far distant when every labourer in this country shall become attached to his employer by being made to participate in his prosperity. I am advocating no

visionary scheme. Some people say that this is an economic Utopia. It is no such thing; it will become a great, practical, vital question, before 10 years have gone over our heads. England, I consider, is, at the present time, in a great economic crisis. The whole world is competing for English labour; some of our best labourers are gradually being drafted away from us. The position of a labourer in the United States, and in the colonies, is undoubtedly superior to what it is in this country; and our supremacy cannot be maintained without improving the position and condition of the labourers of this country. I believe that this improvement would inflict no loss whatever upon the employers, but would ultimately prove as beneficial to them as to those whom they employ. What is the great cause, at the present time, which inflicts loss upon the employers of labour in this country? It is that in consequence of there being no common pecuniary interest, no sympathy, between them and those whom they employ, the labour which they employ is diminished in its efficiency. If, therefore, this common pecuniary interest was established, labour would be made more efficient; and if labour was made more efficient, there would be more, not only to be distributed in wages to the employed, but there would also be more to come as profits to the employers. The scheme is not impracticable. Wherever it has been tried it has succeeded most admirably. You know the experiments that have been made in Paris; you know the experiments made by M. Duclerc, the house painter. He said he employed 200 men, and that the relations between him and those whom he employed were so unsatisfactory that rather than be annoyed with them, he intended to throw up his business. He conceived the plan, however, of making his labourers, to a certain extent, partners in the concern with him. And with what result? He says—"Not only were my men made altogether a different order of beings—they were lifted into another social scale altogether—their happiness and their comfort were increased; but," he says, also, "it was the very best speculation I ever made in my life. I was abundantly recompensed by the superior industry of my workmen for the share of the profits which I had relinquished in their behalf." Gentleman, I look forward in hope to the industrial future of this country through the adoption of this plan. I am quite sure that so long as there are no relations between employers and employed, but those of a pecuniary bargain, we shall have unfortunate disputes, such as strikes, which inflict very heavy losses upon all concerned.

Mr. George Godwin, F.R.S.: The building trades some months ago gave notice to their employers that they required an advance of three farthings an hour to their wages. They struck, indeed, against Messrs. Cubitt's firm; but ultimately took a halfpenny an hour, reserving to themselves the power to give notice that they desired another farthing at some future time. Well, that time has now arrived. They have given the masters notice at this time that unless the additional farthing an hour is accorded to them, they will go out on strike. The parties on both sides have appealed to me, the men urging that the additional farthing per hour should be given, and the masters contending on the other hand, that the wages should be left where they are. I say to both sides, "I wish to know who is right?" I say to the men, "Is it right that you should have the farthing an hour more? My whole life has been spent in aiding the working classes, and I will be glad to do anything for your benefit which I see to be right." The men say, "Why should we not have the additional farthing?" And I have just to reply, "Why not? How can I say that you have not a right to 10*s.* an hour. I confess that I am completely puzzled. I do not know whether the masters can give the advance, or whether they ought not to give it." That is the great question. The results, you see, of increasing the wages are undeniable. For instance, in the case of the metal-workers, that trade is beginning to leave England with respect to the manufacture of locomotives and other matters. When wages become too high, men will not invest their money in such trades, and therefore the men, instead of gaining, will ultimately suffer, as a matter of course. So that what we all ask is the means of knowing whether the prices the workmen now receive are what they ought to have, or whether they ought to receive a still greater share in the profits. All over England, during the last month, there have been strikes in various towns, many of them

quite just, because the men in one town have been working for 4*s.* 6*d.* a day, while those in another town only a few miles off were receiving 5*s.* a day. There can be no reason in the world why these men should not all receive alike. Along with the gentlemen who have spoken to-day, and those who have written on the subject, I look most hopefully to co-operation. I know the success which has attended the experiment of the painters in France, referred to by Professor Fawcett, and also those of some of our friends in England, where participation in profit is being attempted; still, I think it is quite certain that that cannot be very general. At any rate, there are many trades where it would not apply; and it cannot possibly apply to any large number of any particular trade, till a considerable time has elapsed. During that time, we want some means of preventing these suicidal and destructive stoppages of trade—destructive both to the men and to the masters, to ourselves and to the whole country. It seems to me, notwithstanding the difficulties which unquestionably exist, that the remedy will be by the establishment of some authoritative body, to whom could be referred questions, such as that now pending between the building operatives of London and the masters, chosen partly by the men and partly by the masters, say six for each party, and presided over by some individual chosen jointly by the twelve. Such a body would unquestionably tend to prevent a great loss of money; and, I am quite sure, would, in the majority of cases, regulate satisfactorily the disputes which occur between masters and men. If these six were chosen by an assemblage of delegates from the various Trades' Unions throughout the country, I feel quite satisfied that an immense amount of good would result from the existence of such a body; and I should be glad if, by any vote of this Department, the idea could be strengthened.

The Rev. S. A. Steinthal, Manchester: I am glad that, by the remarks of Mr. Godwin, the discussion has been brought to a proper issue. We are not called on now to discuss questions of strikes and lock-outs, but to-day we have to discuss one special topic of great interest, and that is the best means, if there are any means, of introducing arbitration between employers and employed. Now, the first paper, that by Mr. Wilson, was the only one that actually touched upon that question at all, and he touched upon it in a most conclusive way, by saying that all arbitration is fruitless work, and that it could not be introduced in these disputes. Theoretically, I feel great difficulty in allowing arbitration as a means of doing away with strikes and lock-outs. When there is a decided cause of dispute between two classes of men, and certain distinct facts are to be inquired into, and certain conclusions may be come to on these facts, I can quite understand the position in which the judge or arbitrator stands; but when we are not to discuss simply disputed questions, but to decide upon future action, I feel that there is very great difficulty in the position which an arbitrator would then have to assume, and I cannot see how by any authoritative power, an arbitrator can fix for the future, either the rate of wages or the hours of labour. I do not see how he is to have a prevision of future circumstances granted to him, or in what way he is likely to know how trade may be next week or the week after; and we have seen in all trades, at least in many trades of late, such fluctuations in the profits of the manufacturers, and such losses occurring, that to fix anything by a power or authority that is to be appealed to by both parties, must involve us in difficulties even greater than those under which we labour at the present time. If we were to ask, how is the question to be solved without arbitration? then there are a variety of other issues that come up before us; but it seems to me that in this discussion, we ought as much as possible to confine ourselves to this one question of arbitration; and although I know that I am going to ask you, sir, to permit a breach of order, and to depart from the rule which we ought to follow; yet I would ask you whether you would permit Professor Fawcett to address us again, and to complete, I may say, the valuable information he has already given us on this subject. I am sure the section will be very glad that Professor Fawcett should continue his remarks, and hear his views as to whether it is practicable to introduce a compulsory system of arbitration, leaving it to the natural good feeling of the parties engaged to appoint arbitrators themselves, if they feel that in the emergency that has arisen, they are willing to submit their differences to persons who are known to be beyond all considerations of self-

interest, and personally unbiassed in the manner in which they look upon those great and important questions.

Professor FAWCETT: I certainly am inclined to agree with the gentleman who has just spoken. If you establish courts of arbitration, you may have them of two kinds. You may attempt to establish arbitration where the decision of the court will be compulsory, but then the difficulty is to get the men to consent to be bound by that decision. And if they did not consent to be bound, or even if they did, you would have no power whatever in coercing a great number of men to consent to any arrangement that might be come to. And still I do not think the position of the case would be very much improved, for really before a strike takes place there is always some kind of arbitration. The masters appoint certain representatives, the men appoint certain representatives: they arbitrate, but they can arrive at no specific conclusion, and the result is that not being able to do so, neither party will give way, and a strike is the consequence; and it seems to me that it is equally likely that this would take place if arbitration courts were established, for whomsoever you appointed to preside in these courts, I do not think you would get either employers or employed to pay so much attention to their decision or their judgment as if each body appointed members of their own to consider the points in dispute. No doubt arbitration does exist to a very great extent. Very often on the eve of a strike arbitration takes place between masters and men, and the strike is avoided. In some cases the arbitration fails, and then the strike is the result. Another reason, too, why I should rather object to see the establishment of courts of arbitration would be this, I believe it would make the country place confidence in a remedy which would ultimately prove fruitless, and I believe that the only real remedy for these unfortunate disputes between masters and men, is to improve the relations which exist between them. That may be done, to a great extent, by kindness and good feeling. Let the men feel that the employers are really interested in their prosperity; let the employers, also, by the establishment of companies, give the men the chance of becoming partners in the concern. Look at the Crossleys of Halifax. They have converted their vast establishment into a joint-stock company, I believe with the special object of giving their labourers an opportunity of investing capital in the concern. The Messrs. Crossley retain four-fifths of the whole capital of their business in their own possession, the remaining one-fifth they offer to their labourers. These labourers, I believe, joyfully invest their savings; they then become, as it were, masters, having capital in the concern; they are allowed to appoint one or two of their own body as managing directors. Therefore, the men in this way become intimately acquainted with the details of the business. They have two of their own men exactly in the same position as their employers, who know every detail connected with the business, who can tell the men what the profits are, when the advances can be made, and when a reduction has to be submitted to. And what is the result of this? I believe the Messrs. Crossley are confident, and their confidence is no doubt well founded, that by the adoption of this simple expedient they shall not suffer in the least degree—that all disputes between masters and men will henceforth be prevented—and that all their workmen will be so much interested in the work that the efficiency of their labour will be so much increased that both the men will profit, and the prosperity of the concern be largely augmented. In this, and in various other ways, I believe the relations between employers and employed may be improved, and the antagonism, which at present exists be removed; that they may be gradually led to feel that they are working for a common object, and that their interests ought to be identical.

Dr. PANKHURST: I believe that the best way to improve the relations between employer and employed is to give them some system of arbitration, by means of which both parties may be heard; and the only means by which difficulties can be prevented from spreading and producing those disastrous effects which are so much lamented, is to settle amicably all form of difficulties when they do arise. In a paper issued by the Bookbinders' Association, they admit that a system of arbitration is a wise and a good thing, but before that can be done there is one thing necessary, and that is that each party should have confidence in the integrity of the other. As to the form which such a system of arbitration may take, it may be either voluntary or compulsory. In the initiatory stage, it seems

to me that the voluntary system must be adopted; and any court which may be established, with the view to the settlement of disputes, will have three functions to discharge. The first is, to hear both parties, the next is to review the evidence, and the third is to decide the issue; and to decide the issue in such a way as shall be binding. It appears to me that if such a tribunal was established, and if it heard the facts and obtained sufficient evidence, and gave a decision in accordance therewith, there would be no strike whatever. Many a grievance and misconception has been removed in the process of simply stating it, and if the parties are to be angry, and say hard things of each other, it is better to be angry face to face than behind each other's backs. If we, then, approach the question from that point of view, we can take up each difficulty as it arises, and the conquering of each difficulty will make us all the more able to gain an ultimate victory.

Mr. GRINDLEY, Liverpool: There is one point of view from which the system of arbitration has not been placed before the Section, and that is, in the light of the fact, that arbitrators in commercial matters are exceedingly bad. They satisfy neither one party nor the other. The arbitrators, in such cases, are merchants, and in disputes between employers and employed, the arbitrators would be selected from these classes, or, if not, and an independent person was appointed, he would try to please both parties. The result, however, would be that he would please nobody, and the system would give no satisfaction. If we are to have any authoritative tribunal to decide on such matters, it must be on something of the same plan as the tribunals of commerce in Paris, where there are persons having, as it were, the judicial powers of a judge, whose decisions are binding. If we could appoint a certain authoritative judicial person to sit on these cases, to hear both sides, and then to decide them, there might be some good result, but this would not be a system of arbitration, but rather a conciliation court, a place where, the disputes having been explained, they would be decided upon the explanation placed before the judge.

Mr. HUGHES, M.P.: Perhaps some of the gentlemen in the room can give us some information as to the practical effects of arbitration, by authoritative bodies; for I should suppose that something of the kind does exist.

The PRESIDENT: Some of the gentlemen may tell us about the local guilds which, I understand, existed at one time. Did not they possess powers for arbitration?

Alderman JACKSON, Sheffield: I am not aware that we have had anything of that kind for the last century. The Cutlers' Company was to be elected partly from the masters and partly from the workmen. The men connected with the various trades composing the corporation of cutlers, are called together once a year, about a fortnight before the day of election; but at the present time they never attend, and therefore the body which manages the business is elected by the masters, and there are no workmen, strictly speaking, members of the Cutlers' Company. They might, if they chose, for they have still the power of sending members to that company; but it is never done; the custom has fallen into desuetude.

Mr. HUGHES, M.P., being called on by the Chairman, said: I feel some difficulty in answering this summons, though I will do so to the best of my ability, because I have not had the pleasure of listening to the papers which have been read, and to what has been said here earlier in the day on these very important subjects; and therefore all that I shall be able to do is to give you generally such opinions as I have myself formed upon them from the experience now of some years. It seems to me, from what I have heard during the past hour, that we have mixed these questions—the question of arbitration, and the question of trades' unions—very much together. At the same time, I confess I do not see how they can be completely separated. Indeed, you find when you are dealing with these questions, that they are so intimately related, and it is so difficult to separate them, that it is not worth while to attempt to do so; and I think your chairman has exercised a most sound discretion in not keeping any of the speakers strictly to the subject which, I believe, is more properly before you—that is, the subject of arbitration. Now, with respect to this subject, you all know that it has been very much discussed by public persons, and also by the leaders of industry, both on the side of the masters and on the side of the men,

during the last few years. Of course, there is nobody who will deny—at least, I suppose so—that arbitration is in itself a far better thing than war. If you can find any tribunal that will be satisfactory to the two sides, to the masters and to the men, and if you can manage to give to it some power of enforcing its awards on such matters as are referred to it—if you can find such a tribunal it would be a great advantage, for no man in his senses, or, at any rate, no man in his senses who had not some personal interest to lead him wrong, would deny that it is far better that trade questions should be submitted to such a tribunal than that they should be fought out to the end, between masters and men, by the only means by which it is possible they can be fought at present, and that is, by strikes and lock-outs. We know perfectly the misery that these strikes and lock-outs bring upon the country, although, as in all miseries, there is a great deal of heroism shown in them. I myself have seen the most wonderful patience and self-sacrifice shown by men in a long struggle, in which they felt that their own future, and the future of their wives and families, were bound up; I have seen great heroism displayed on these occasions; but still there can be no doubt that, on the whole, necessary as they may occasionally be at present, strikes and lock-outs are most detrimental to the true interests of the industry of this country, and every right-thinking person, must wish to see them disappear as soon as possible. Well, now, the question is, how are we to get rid of the necessity for them? Well, arbitration is the first remedy to occur to all men who have thought upon this subject. Then comes the question—How can that arbitration be made satisfactory? What tribunal will be accepted by both sides? You know well—I daresay you must have seen—that in many recent disputes a ready-made tribunal has been extemporised for the trade in which the difficulty had occurred. I could mention four or five instances during the last few years, where masters and men have come together to discuss questions at issue between them—where a certain number have been appointed to represent both sides—where the views of both sides have been fairly discussed in this tribunal, and where they came to conclusions which had the effect of terminating the differences between them. Now, nothing can be more happy, nothing can be better than that—where you can get masters and men in a trade to exercise so much good feeling and common sense as to meet in this way, and to settle their own disputes; and where you can get that—where you can get men who hold the confidence of their own friends, whether they be masters or men, sufficiently to carry them along with them, and to make them agree to the award, nothing can be better than such a tribunal. It seems to me that here in Sheffield, you have a very remarkable opportunity of getting such a permanent tribunal established. If I rightly understood the gentleman who spoke just now (Alderman Jackson), the Cutlers' Company is still in existence, and by the old constitution of that company, not only the masters, but the men, were represented upon the council, and all trade questions were considered by the company in council.

Alderman Jackson: Will you permit me to explain that the Cutlers' Company have no right whatever, at the present time, to take into consideration any questions affecting other trades. They are simply trustees for certain charities that do some good in the town; but with reference to trade matters, they have little or no power whatever. They have also the power of granting marks to manufacturers—that is, trade marks. Although I stated that the workmen in the various trades connected with the company, which are some seven or eight in number, had the power, if they thought proper, to meet together, yet I am afraid they have become so very small that they would have great difficulty in finding the number of freemen requisite to make up a meeting of forty. The old rule was, that to become a freeman an apprenticeship must have been served for seven years, in certain trades. That is not the case now; but the apprenticeship must have been served with a freeman; and I suspect one of the reasons they don't meet is, that they would have some difficulty in finding the necessary number of freemen.

Mr. Hughes: I fear, then, my fine notions of an authoritative tribunal on this basis do not seem likely to be realised. My idea was to have the old guild restored with its former functions, where masters, and men, and apprentices, all belonged to one body, which had jurisdiction over them, and which could enforce

the will of the society or the trade to which they all belonged. Well, that being so, we come now to consider whether arbitration is possible with an external tribunal. I sincerely hope that some effort may be made in that direction, to get some tribunal which may be satisfactory both to masters and to men. I hope the effort will be made, but I confess I do not see that there is any great chance of our getting such a tribunal to work, because, in order to make it of any use, it must be able to enforce its decisions. It is no use for masters and men to come up and be heard before a mock arbitration. It is not to be "heads, I win; tails you lose." If it is to consider these questions satisfactorily, that tribunal must be able, by some process—and by some process recognised by the law of the country, and made absolutely certain—it must be able to carry its awards right through to the end. Then the difficulty arises at once, how are you to bind the parties? You might bind the masters, because in almost all instances—for the the purpose of argument, you might say in all instances—the masters have property against which a remedy might be had in the event of their not abiding by the direction of the tribunal. Although that might not be entirely satisfactory to the masters themselves, yet you might thus have the means of carrying out the awards against them without insuperable difficulty, without more difficulty than is involved in carrying out many decisions of our courts of law. But the question is, how are you to bind the men? As I have already stated, there are hundreds of men interested in almost every case; and they must all be bound by the award of the tribunal also. Many of them are persons without property at all, or with very small property, which is removable at a few hours' notice; and the question is—if such a tribunal is established, how are its awards to be enforced, so far as the men are concerned? Now, that, I confess, is a very difficult question, and one upon which I have never been able to get an answer which was perfectly satisfactory to my own mind. It has been suggested, and with great plausibility, that whenever there is a question or dispute between the masters and a trades' union—and there are very few disputes which result in strikes and lock-outs, in which a trades' union is not directly interested—in carrying out the award of the tribunal, you should operate upon the property of the trades' union. But there is this great difficulty in that scheme, which will at once occur to you; supposing such a plan adopted, yet, although in almost every strike and lock-out there is a trades' union, there is behind and at the back of that union, and altogether separated from it, a number of men who do not belong to it, but yet who are directly affected, and who are turned out with the men belonging to the trades' union. Then arises the first question—are you, in the event of these men who do not belong to the trades' union refusing to abide by the award which has been made of lower wages, to go against the property of the trades' union for acts for which no member of the union is responsible, namely, because those who were opposed to the trades' union, and yet interested in the strike, refuse to abide by the decision? I need not say that it is quite clear at once that could not be done, and it is not very easy to see how such a solution of the difficulty as would give satisfaction, could by any possibility be effected. And then there is this other difficulty; that the trades' unions, as trades' unions, are not recognised by the law of the country. In so far as they are friendly societies, and carry out the objects of friendly societies, they may be registered, and may become legal societies, capable of acting through their officers, and having a legal existence; but so far as they are bodies which are united for the purpose of keeping up wages, and of protecting the interests of working men as against their masters, from that point of view they are not at all recognised by our law—they have no legal existence—and therefore the whole scope of our legislation must be altered, if any such tribunal is to have the power of acting on trade societies. I need not go into other difficulties which arise. It seems to me that in considering this question, these are the first two great difficulties which have to be got over; and until we can see a solution of these difficulties, I do think that the most we can do, is to say that, as sensible men, we trust that trades' unions and masters will alike find it to be for their own interests to submit voluntarily to such arbitration as they can get in their own trade, and to endeavour to enforce it as well as they can; in fact, to have a voluntary arbitration, but not to attempt to get one outside he common tribunals of

the country, which shall attempt to do what they cannot do at present. I need not say that it is painful that such questions should have to be fought out; but I am sure that everybody who has attended to the great question of the struggle between the trades' unions and the masters for the last ten or fifteen years, must have seen that wherever there is a trades' union, and I am speaking now from my own experience, there is a continual tendency to avoid strikes and lock-outs, and to put them down in every way. There has also been a better understanding between the masters and the men, and a readiness on both sides to meet and to have proper explanations, and to go on without the necessity of fighting the battle out. That has been my own experience; and I believe it will be found, as education spreads, and as the different classes of this country get to understand each other better, as they are doing every day, we shall see strikes and lock-outs disappear before we have discovered a tribunal which would be thoroughly satisfactory as a court of arbitration. I think these will ultimately disappear under that great remedy for all industrial misery, which will be discussed here to-morrow—industrial association and co-operation. I will not anticipate that question, but would merely say a few words as to trades' unions, a subject which has also been brought before us this afternoon. Now I feel, as much as any one in this room can feel, that there is a great deal in the organisation and in the action of trades' unions which is deplorable, and which all of us must thoroughly disapprove of. I quite admit that, but at the same time, I do say that in the present state of industry, in the present state of the industrial relations between masters and men in this country, it is absolutely necessary, in my opinion, for the protection of the men engaged in any trade that they should combine together, to enable themselves to get fair privileges, and to get the full price for their labour. It does seem to me to be transparent, on the face of the question, that where on the one side, you have men such as the masters, who have capital and the result of the labour of past generations at their command, upon which they can fall back, and which will enable them to live for weeks, and months, and years, if necessary, without the exercise of their special industry; whereas, on the other side, you have the men, almost all of whom have only sufficient property to keep them and their wives and children alive for a week or so, or at most a month, without the exercise of their special industry; I say that when you have these two sides, it does appear to me to be impossible to maintain that a fair result is likely to be attained between these two classes, unless you enable the poor man, in some way or other, to fall back upon some resources that will enable him to last as long as his employer can, or until the disputed point is settled. And, I say that, through this country, you will find—as far as my experience goes, at any rate—that every trade in which there is no trades' union, or in which it has been broken up, is in a very depressed state. On the other hand, you will find that where the trades' unions are strong and successful, amongst many abuses, with much that we should like to see amended, and many things we should like to see got rid of altogether, the men are in a condition which is far more satisfactory, and which enables them to be much better citizens of this country, and to bring up their families in a much better manner, in fact, which is much better for them, and therefore better for the country to which they belong. It is said that individual liberty is destroyed by trades' unions. No doubt that is to a certain extent true. No doubt, men say that when they come into trades' unions, they will not accept less than a certain sum, to be determined upon by the authority of the trades' union for their work. Of course, there is the usual objection that that hinders free trade in labour, that every man has a right to earn as much as he can, and that no man can hinder him from doing so. There is no logical answer to that; but you accept the fact that trades' unions are a necessity, although a disagreeable necessity, of which we hope to be rid: and while they are necessary, it is necessary there should be a certain amount of surrender of individual liberty, and that all laws they make as to wages, should be strictly adhered to by all the members. Nobody will contend that they have the least right to interfere with the labour of any persons outside their own body, just because when doing that, they are doing an absolutely mischievous thing, and wherever that is done, it must meet with the censure of all right-thinking people.

Therefore, I do not think there is much point in the objection to trades' unions that they involve the destruction of individual liberty. It is said, again, that coercion is absolutely necessary, and that moral suasion will not keep trades' unions together; that in strikes you are certain always to have physical coercion. I believe the constant tendency in these disputes is, that there are fewer and fewer of those violent outrages which everybody reprobates, and which everybody regrets. Then, with respect to the introduction of machinery, I confess that I have not seen that unwillingness on the part of trades' unions to allow the introduction of machinery which has been alleged. I do not believe that among the better portion of the working men, there is any real objection to the introduction of machinery, and I am quite sure if there has been any such objection, it will disappear more and more every day. I will simply say, in conclusion, that my own firm conviction is, that in the present state of our industrial world, trades' unions are a necessity, though an unfortunate one, I admit; and until we see a far better state of public feeling upon such questions—and I trust the society which is now meeting in your town, may have a great tendency in bringing that about —I say, until we see a far better state of feeling, a much better understanding of these questions on the part of all classes of the community, I, for my own part, am very sure that trades' unions are necessary in order to give the workingmen of this country a fair chance in the great struggle for life in which they are engaged.

Can the Principles of Co-operation be profitably applied to Production? And if so, under what Conditions?

The Paper read by Mr. G. J. Holyoake will be found at p. 480.

DISCUSSION.

The Rev. H. Solly: We had a very interesting discussion on this subject at one of our working men's club meetings, at Exeter Hall. It was very patent, from the way in which the working men present handled the subject, that a measure of this kind would be welcomed by them as a great boon both to themselves and the capitalists. As far as the capitalists are concerned, working men tell us that at present it requires more than an average amount of high principle on the part of the workmen to do justice to their employers; and that men of more lax principle do very considerable injustice to their employers, in the way of waste and false measures, and carelessness and indifference. With regard to the interests of the men, one thing they complain of very much is, that as soon as they get a little advanced in years, the employers are apt to look very cold upon them, and to seek for some other workmen to fill their places. It is evident that if something like a community of interest could be established, it would be an advantage to both parties. Political economists maintain that the interests of the working men and of the employers are identical. That was urged again and again at our discussion in Exeter Hall. "Yes," said a very shrewd working man who was present, "they are identical in theory, no doubt, but I know they are not identical in practice." He further said, "I have seen, over and over again, my fellow workmen damaging the interests of their employers most seriously, simply because they did not feel that theoretical identity of interest between them and their masters. There is an identity of interest between capital and labour, but not between individual capitalists and individual labourers; that is to say, not invariably, for there are frequent exceptions." Therefore I think we are all agreed that, if there can be any plan introduced making the identity practical and felt, between the interests of employers and employed, it would be an enormous good both for the moral sentiments and the moral relations of the different classes. It is very remarkable to watch the moral influence produced on working men by the co-operative movement. Taking it in the lowest case, I have known men whom nothing on earth would have induced to give up their evenings in the public-house, who had gone on for years spending their time and their money in the tap-

room, who have been induced to leave that place, and to become saving men and moral men, by joining the co-operative society; nothing else would have drawn them from the public-house fireside; but they come to the shop to see how the thing is going on, they have got a little stake, they want to know the next dividend, why this dividend was not quite so large as last, what is the chance of the markets rising, and they go into the back parlour, and smoke their pipes there, when no soirées or penny readings would have drawn them away from the public-house. A singular moral improvement would naturally be the result of a community of interest between employers and employed, if anything of this kind could be fairly carried out. I believe it could be done. I am happy to say that only the day before I left London, I received the prospectus of another company that has been formed there for the purpose of carrying out the co-operative plan precisely in this fashion. Messrs. Braby & Co., the great zinc workers, in Euston Road, have come to a determination to follow Messrs. Crossley and Messrs. Briggs' plan, and to form a Limited Liability Company, in order to give their workmen shares. Whether they will go on to adopt what I think is exceedingly important —the giving of a bonus—I don't know. But it shows the thing is working, and that the leaven is gradually leavening the lump.

The Rev. S. A. Steinthal, Manchester: It should be kept in mind that the special subject set down is, whether the principles of co-operation can be profitably applied to production? Experience has clearly shown that in mere distribution stores, co-operation can be successful. But when we come to the question of production, our experience in this country is not so wide. Abroad, productive establishments have been carried on very successfully and very profitably on co-operative principles. In France, amongst the jewellers, the plan has been tried for many years, with wonderful success; indeed, the greatest and largest jewellery establishments in France are carried on on this principle of co-operation. But in some of the manufacturing concerns in England, we have not yet seen success attending the efforts of the working men, such as we could desire. To a certain extent, I believe the want of success is attributable to the fact, that we have tried co-operation in the cotton trade at a most unfavourable period, and that therefore the experiments in that trade have not proved the question fully, and ought not to be a discouragement of future enterprises. In fact, this has lately been shown, especially in one of the manufacturing enterprises which are now going on in Manchester. It has not only witnessed this crisis, but is now approaching to such a position, that lately I met one of its managing men who was searching about to procure shares at a price high above what they formerly were, and he found only one person who wanted to sell, so great was the confidence shown in the ultimate success of the concern. In this case, however, a want which commonly exists in such concerns, had been supplied. There was one among the managers who understood the markets, who knew when to purchase material, and the best way of getting rid of it afterwards. He threw not only his whole knowledge into the matter, but his whole heart and soul in trying to promote this experiment, and see whether it could not be carried to a successful issue. But commonly, where you have none but working men trying to start the enterprise, you find they have not the experience necessary to manage the concern. You require a higher education and a broader view than can be gained in the more productive experience that a workman has in the workshop. There is there a difficulty which is avoided in the concerns of Briggs, Crossley, and Greening.

Mr. Greening, Manchester: Before speaking to the matter on which I have been so directly referred to, perhaps you will allow me to give you some of the information which Mr. Pitman intended to convey in a paper which is not before us, through an unfortunate mistake. The particular development of co-operation which Mr. Pitman wished to direct your attention to, was the establishment in Manchester of a wholesale society, formed by a number of district co-operative societies joining together, and which, having subscribed a certain amount of capital, is enabled to buy at first cost these stores which are afterwards distributed among the members. That society has got a turnover of something like £200,000 per annum, although it has only recently been instituted, and it manages to do its business at the low profit of 8 per cent., buying for the societies in the first markets, and handing the goods over to them, and merely charging

that small per centage. I think that fact shows us the possibility of something being attained in the future by the principle of co-operation, of which there was no idea when it was first brought before the public of England. The only other point, I think, which Mr. Pitman would have brought before you, would have been the suggestion which has recently been made, of a meeting of leading co-operators from the various countries of Europe, to discuss with the co-operators of England the possibility of making an international co-operative trade, by which English working men could buy productions of the working men of the continent at first cost, without paying the profits of intermediate merchants, and *vice versa*. So much for Mr. Pitman; but I wish to make a few remarks on my own behalf. As the son of an employer, I was brought up with an innate conviction of the unreliable character of working men, whenever they had to discuss questions of difference between them and their employers. But my natural sense of fairness forced me before long to go to the working men themselves, and to hear their side of the question. I have known the workmen of a neighbour of mine leaving their homes at five in the morning, to walk three miles before beginning, to their work, and then work till ten o'clock at night, and I have known a workman find his stockings saturated with his own blood. That has happened occasionally during the late hot summer weather, and I have felt deeply for them. If gentlemen could only realise what it is to support a family on such a small pittance as many of our working classes receive, they would admit that there is some ground for a little unreasonableness in men who have to strive so hard for those wages which are necessary to keep them in life. The fact of the matter is this, that in a conflict between men and masters, as to hours and wages, and similar affairs, you should not forget that the men have nothing but their wages before them, but the masters have something more. I can illustrate that, by a reference to the discussion which took place some time ago, between the puddlers of Lancashire and their employers. At one time, it had been the rule, that the puddlers should be paid at the rate of 5 per cent. on the price of iron. But instead of receiving 7*s.* 6*d.* for puddling a ton of iron, worth £7 10*s.* they were in receipt of 8*s.* 6*d.* The masters complained that they were paying 1*s.* too much. But the men were not unreasonable. They said, "There is a chance now of getting more out of a ton of iron than there used to be, because of the improved methods of manufacture which have been adopted, and we do not see that you should have the whole profit of that." Another question upon which the working men are often blamed is, that they are not so anxious as the masters for the introduction of labour-saving machinery into their respective trades. Now, remember there again, that the profit of the masters is direct. If a machine is put into a workshop that does the work of three men, the profit goes into his pocket; but three men are turned away, and the other men do not have shared amongst them any of the surplus profit which the masters enjoy, at least for some time. I am not contending that the introduction of machinery does not in the long run improve the position of the men; but when the benefit is so remote, it can scarcely be wondered at if they do not always look upon it with favour. The same remark holds good with regard to inventions. The working men themselves are those of all others who could give us the most valuable inventions, but naturally enough they do not incline in that direction, because the principal and most direct profit goes into the pockets of the masters. The fact of the matter is this, that the employers, and the classes above the working men, have to unlearn an idea which they formed when we were fighting the great battle of freedom against slavery. The thing we learned was, that the highest condition to which a working man could attain was to work for wages. It is beginning to be felt that that sort of work is a kind of slavery; and the word is becoming familiar amongst them, and is being repeated in various forms throughout the kingdom. It is beginning to be understood that payment by hire is not the highest form of freedom, as it does not develop the highest efforts of which each man concerned is capable. If a man is your servant paid by wages, he works so hard and so carefully; make him a manager, with a percentage on production, and he will work harder, and with so much more care; make him a partner, and all his powers and energies are placed at your service. Now, this is a question of national importance, for this reason, that our country must have the highest

power of each individual citizen taxed to the greatest extent; and therefore every Englishman is concerned in the progress of this system. The real question is, how can we best promote the march of co-operation? Now, will you allow me to show you that, notwithstanding all the progress which co-operation has made, there is no prospect of any really great work being done by it, until we can enable the men to co-operate with the masters. It really requires a sum of something like £5,000 at the very lowest amount, to provide a capital which shall employ 100 working men. Now, if the working men can only raise £50 or £100, how is it possible to employ many of their number on the principle we are now following? What I want to show you is this, that co-operation, with all its wonderful results, so far, cannot be carried out in this way, with the prospect of producing adequate results. Take the case of Rochdale. There, 28 men, with a capital of £1 each, or £28 altogether, commenced the business, and it now shows an aggregate capital of something like £150,000. Still, it would take the whole of this and the next generation of working men to be sacrificed under the present system, before they could have a vital interest in the concern. It appears to me that the mistake which co-operators are making, is to suppose that capital is to be obtained for their concerns, at the rate of 5 per cent. At present, in all the concerns that have been started, they place 5 per cent. for the interest of the capitalist against the wages of the labourer. But that 5 per cent. does not pay, and will not pay for the risk incurred by capitalists in working a commercial speculation. You must, as Mr. Holyoake well said, offer the capitalist the average dividend he can earn in manufacturing concerns of the sort which it is proposed to establish; and therefore our proposal is, as very fairly described by Mr. Holyoake, that the masters shall take to themselves the average sum which they fairly expect to get as interest for their capital, and as remuneration for the risk they run, and that above that they should divide with their workpeople. Mr. Briggs, in the small pamphlet he published on the subject, mentioned that, if they could only get large coal instead of small coal, they would save £1,500 a year, and if the men were only careful in separating the two kinds of coal before they were brought to the surface, they would save another £1,500. The entire capital necessary to work that immense concern, is something like £60,000, so that they could actually ensure a saving on these two items alone, of 5 per cent., by a small expenditure of care on the part of the men. In various other ways also, the two parties could assist each other, and a large dividend above the present rate of profit could be made under this system. My own firm has been named in connection with this subject. I may say that some time ago I contemplated taking this step, and talked it over with my brother, and we came to the conclusion that we could before long introduce the system amongst our workpeople; but in order to prepare them for it, I formed a committee of the workmen themselves, and invited them to tea once a week, and very gradually we talked matters over. On our part, we were most conscientious scolders and grumblers, and we explained as well as we could all the various things with which we had to find fault. After a time, I said, "I am coming to the conviction that we will never do any good until we make you all partners." The men left, and the thing was very soon noised abroad. When at last I made the proposal definitely to them, there was not a man who was not prepared to take shares as soon as they could have them. We have arranged, as Messrs. Briggs have done, that the men should form clubs amongst themselves, selecting their own treasurer, who will receive their savings, so that they may be able to buy a share week by week as their funds accumulate. Yesterday, in this section, you had a gentleman who has done more perhaps to introduce the limited liability and joint stock companies principle into such concerns, than any other man in this kingdom—Mr. David Chadwick; and I see that he thought it sufficient to form the various large concerns into joint stock societies, and the working men might become shareholders. I wish Mr. Chadwick was here, as I would have found fault with that. It seems to me that in all the individual firms and companies with which he has had to do, he has erred by making the shares too large, not less than £100. Now, where a working man is to get £100 in order to pay for a share, I can't tell. I would suggest to him that the shares should never be made more than £5; and that the men should be induced to come in by giving them a share in the surplus profits. But in order to cure Mr. Chadwick of the

prejudice, it will be necessary to convince the shareholding public also, who are his clients. In some of his largest companies, like John Brown & Co., a very large number of noblemen and ladies hold large amounts of stock; and if we could persuade the parties taking the shares that it is for their interest to admit the working men also to share in the profits, we would have Mr. Chadwick doing something more than he is doing at the present time for the improvement of the condition of the working classes. The remark made by Mr. Steinthal is a very correct one, that the comparative failure of the experiments in the cotton trade, is very much due to the exceptionally bad time at which they were undertaken. It is quite true, also, that so sure are the co-operators themselves of the return of prosperity now, that they will not part with their shares except at something like par; and the masters are themselves buying shares in co-operative mills, and are even paying a premium on them at the present time. I was speaking the other day with a very intelligent man in the cotton trade, who said, "I have recently had to go through the length of Lancashire, and have looked at the new mills, and I am bound to say that the mills erected by co-operative societies are the best arranged mills of any, and are most likely to prove profitable." This system, I would say in conclusion, has afforded a common platform on which we can all meet determined to go forward to that better future which we believe the Father of all has in store for us.

Mr. EDGAR: The committee of this department, in preparing their report for the year, mentioned the new partnership Act, which allows the introduction of the limited liability principle, without the necessity for the concern being converted into a joint-stock company. They thought that was a matter which might be considered with advantage in connection with this subject. It has not been adverted to by any of the speakers, but I believe the committee are anxious to know what you think of the probable effect of that Act. I am quite clear that it would avoid all the formality of changing the business into a joint-stock company, and although I think the joint-stock company system is, on the whole, the best, yet there are some cases where it appears to me that the Act would be very valuable and very beneficial. You might, for instance, give a share in the profits to a man, under this Act, without his putting in any capital at all. Then, with regard to many small businesses, where it might be scarcely worth while to divide, the Act, it appears to me, might be beneficially used; but if you, Mr. Greening, would give us any information at all on the matter, I think the committee would be obliged to you.

Mr. GREENING: As regards the probability of that Act being made useful, I think there is a defect in it which will prevent it coming into general operation. The capitalist, who lends his money to the manufacturing working man, must not come in as a creditor until every other creditor is paid 20s. in the pound.

Mr. EDGAR: I referred rather to the case of a man carrying on business, who chose to give a share in his business to his own workmen.

Mr. GREENING: I took it for granted that you wished me to speak on both sections. As to the probability that under that Act masters will give some share of their profits to their workpeople, I think it is likely that that to some extent will take place. It has long been the custom in the Manchester warehouses to give the head man a bonus on the turn-over. That system is rather vicious, as it induces the men to force sales. No doubt many masters will avail themselves of this Act to give their managers an interest in the profits; but it will be rather to the managers than to the men. I am afraid the new Act will scarcely do that good which was expected of it, in its present form. Even supposing that masters, under the Act, were to give a share of their profits to the men, it will not operate so well on the men as if you make them actual partners in the concern, and make what they will receive depend upon the excellence of their work.

Mr. HUGHES, M.P.: I am delighted to hear what is taking place so rapidly, because I am quite certain that exactly what was wanted in the old system of co-operation—which was started in this country some twenty years ago, and in which I took an active part at that time—that the element which was then wanted was the skill which the masters bring to bear. Most of the associations which were founded at that time had the other elements of success in them, but, in consequence of having to employ men who simply knew their own work as buyers

and as sellers, and not all the higher turns of trade, almost all these productive associations failed; and, therefore, I am naturally delighted to find that the work is going on even much more rapidly than I knew. I would like to know if either Mr. Solly or Mr. Greening can tell us whether any of these new companies—which I believe to be the real solution of the great problem—have been going on long enough to give in returns, that we may know whether they are working as well as was expected, and what are the results.

Mr. GREENING: The colliery of Mr. Briggs has now been at work on the new system for two or three months, and he says the men are working better, and realising a larger profit than under the old system; that the men are subscribing for the shares at £1 per week, the shares being £10, and in that way are rapidly becoming large partners in the concern. My own business has just been formed on the new principle. It has been done among my own friends without publicity, and we are only really beginning to work, but I think I can see a better feeling, and that we are working better and more profitably for each other since then. I was recently speaking with Mr. Stephen, of Messrs. Sharp, Stewart, and Co., of Manchester, and he says they have formed a council of their workpeople in the same way, with the happiest results.

Mr. SOLLY: The Messrs. Crossley have been working on that system for a much longer time than any that have been mentioned, and are working very satisfactorily; but they do not give the bonus—they pay every working man as a shareholder, so far as he takes up shares.

Mr. HUGHES, M.P.: The system of co-operation was tried in France twenty years ago most successfully. But the men in France seem to have a greater aptitude for association than they have here; at any rate for association for the purposes of production—perhaps not so in the case of distribution.

Mr. FISHER, Waterford: In France, as in this country, there have been a great many failures and a great many successes. In France, wherever there was a large capital required, the result has generally been the same as here, but in most of the cases abroad the capital employed had been small, as the articles produced and distributed were mostly for local use.

Mr. THOMAS WEBSTER, Q.C., F.R.S.: I cannot but feel that the question that has been introduced here is really a solution of the difficulty, in what way the working man can have an interest with the capitalist so as to be independent; I think the success that has occurred in the instances that have been referred to is most satisfactory. I care nothing for a failure; we learn more from a failure than from a hundred successes. Let us have one or two failures, and then we can have a diagnosis of the whole matter. The interest of the working man, the way in which he can be made independent in the contest now going on between capital and labour, is the most interesting question to which society can direct itself. I am not an employer of labour myself, except in the ordinary way of having a few servants and dependents, but I have always sympathised most deeply with the working man. I do think that whatever phase the question may assume, it is incumbent upon us as philanthropists to consider in what way the working man will get one step, so to speak, on that ladder of capital by which alone he can be raised; and I believe no single plan has yet been devised that is at all comparable to this. I look on what has passed to-day as the most satisfactory proof that has ever been given of the success of that principle of limited liability for which we struggled so many years, and I would point to this as the consummation of it. It is by means of shares, I care not of what denomination, make them as small as you will, but so long as you give the working man a share of some kind or another in the business of his employer, you make the interest of the employer and the employed identical, and get over that prejudice which too often exists against the improvement of the working man. Some reference has been made to the peculiar position of the working man with respect to the question of the introduction of machinery. Now we know full well that, in the first instance, the workmen have been opposed to the introduction of machinery, but they are now becoming much wiser. Let them only be referred to the existence of the sewing machine, by which the condition of the persons hitherto employed in doing the work the machine can do is very much improved, and they will be satisfied of this, that for a human hand to do what a machine can do is a bad economy, and a bad applica-

tion of labour. By these means we shall be able to give the labourer a property in his labour. That is what I have always looked forward to as a great object which we ought to have achieved. We cannot give him land, but we can give him a property in what he has an interest in, and by means of this system it appears to me we can give every man a property in his labour, we can raise him in the social scale, and we can make him feel that we are all as one body, though many members.

Is it desirable to consolidate the existing Railways of the United Kingdom into one system under Government control?

In addition to Mr. Edwin Hill's paper, which will be found at p. 487, Mr. Plimsoll read a paper, of which the following is an abstract:

After remarking that in England we appeared to have accepted the present results of the railway system almost without considering whether any improvements could be introduced into it, he urged that the system was capable of yielding a vast augmentation of service to the country at a scarcely appreciable increase of cost.

The statistics of the actual cost per mile of working all trains in 1863 were cited, and a statement of the average number of passengers and weight of goods carried was supplied.

The results in respect of carriage of passengers and goods might have been multiplied many times without adding appreciably to the expense.

Whilst, therefore, it was clear that the railway companies could not do with a less revenue, yet for a very slightly increased one they could render the public, with positive advantage to themselves, treble or quadruple the service.

Facts were introduced to illustrate the assertion that a reduction of present fares and freights would be followed by the increase of business sufficient to maintain the present financial position of the companies.

Having thus indicated the object to be attained (greatly reduced rates), and the grounds upon which it might be urged as not unreasonable, the case of the shareholders was considered.

In the event of the provisions of the Act of 1844 being carried into effect, their property would be paid for at the rate of 25 years' purchase of the average of the three years' dividends last preceding the transfer.

The Act at this juncture served two good purposes; it precluded any idea even of injustice, in case its provisions were called into action, and its expiration invited a more general and simultaneous consideration of the subject than it would probably otherwise have received. It had been argued by some, in view of the expediency of adopting the provisions of the Act, that, while on the one hand Government could well afford—by means of the great gain they would make in the purchase, from raising the money at 3 per cent.

and getting a return of 4 per cent. (25 years' purchase)—to try "the great experiment of the greatest possible cheapness," and would moreover be supported by the public in incurring a transitory deficiency, as in the case of penny postage, for the sake of the enormous advantage to the country of so greatly reduced rates; yet, on the other hand, it would be in the highest degree unreasonable to expect private companies to incur even a temporary loss for the advantage of the public.

It was concluded by them, therefore, that that degree of cheapness could only be obtained as a result of the purchase of the railways by the Government.

A further argument was, that unity of management would result in greater economy.

So far as he, Mr. Plimsoll, could see, all the advantages of cheapness obtainable from unity of management were already achieved by the process of amalgamation, as to at least three-fourths of the railways now constructed; and any further progress in the direction would not be economical but wasteful in the highest degree, since it would probably result in decreased efficiency of management.

Was then the greatly augmented cheapness of fares and other matters, (which all agreed would result if railways were managed with the sole aim of giving the utmost possible benefit to the public, compatible with payment of expenses and interest of capital, instead of, as was very properly the case now, with an exclusive regard to the shareholders' interests), unobtainable except by means of the purchase of the railways by Government?

It did not appear to him that to secure that great boon for the public, so extreme a step as the purchase of our railways by Government was essential. He suggested that a Government gurantee, securing the companies against a diminution of revenue during the period of transition necessary for the growth of traffic to as high a revenue from a diminished rate as that now obtainable from the high ones, was all that is necessary. We thus got rid of the purchase, for which the public mind (at any rate for the present) was not ripe. Even that liability might be diminished.

The total receipts of the railways in England and Wales (but excluding Scotland and Ireland) in 1863, was £26,212,822, of which £10,878,635 only was from passenger traffic.

While all traffic would respond to reduced rates by augmented quantity, the passenger traffic would undoubtedly prove most sensitive and respond most promptly. To try the great experiment, therefore, as to whether a greatly reduced rate would yield as good results as the large one, it was not necessary to try it upon the whole of the traffic, it would suffice to try it with the passenger traffic; we thus reduce the dimensions of the risk to the lower sum, £10,000,000. It was not needful to try it on all that. First class passengers needed, as a class, no great help. Thus, by limiting it to the second class, producing in gross £3,773,684, and the third, producing £2,868,221, we arrived at the diminished total of £6,641,905.

To reduce the fares, then, of second and third class passengers to one-third the present amount charged, would involve *prima facie* a loss of revenue equal to £4,427,937; say four and a half millions of revenue.

Such a reduction would result in so vast and immediate an augmentation of traffic, that it would double itself before the end of the first year of the change; and by the end of the second it would at those low rates be treble its present dimensions.

Thus, the loss to the exchequer would only be two millions and a half the first year, and one million the second year, whilst, in all human probability, the end of the third year would see the revenue restored to at least its present amount; and this enormous boon to the country would thus have been secured at no greater outlay than from three to four millions of money.

Probably the difference between second and first in the contemplated case would affect the receipts from the first class; but not much more than would be compensated by the non-necessity for reducing parliamentary fares more than one-half; the parliamentary (including third class) traffic being £2,868,221, and first class £3,948,774. It might, however, be taken as accurate, that the contemplated reduction would not involve more than four and a half millions.

Even if all classes were reduced, the first and second to one-third, and the parliamentary to one-half per mile, the revenue nominally sacrificed would only be six and a half millions instead of four and a half, and the net estimated loss four and a half to five and a half millions, whilst it might very possibly prove much less.

Additional expense in rolling stock would probably be fairly counterbalanced by the increased goods traffic which would follow. Should a smaller experiment be thought expedient, we had one of the great railway companies, the Great Eastern, so placed as to be little affected by its neighbours.

The total amount received by this great company for passenger traffic, during the period above quoted, was only £702,972; the gross total amount of sacrificed revenue would be, therefore, only £468,528; and the estimated net loss £234,264 and £167,134; in all, £401,398 for the three years.

We had thus, in the case of this railway company, a splendid opportunity of fairly trying that great question, and setting it at rest, for an expenditure of less than half a million, and that experiment would be so conclusive in its results as to fully clear the ground for complete legislation, or for leaving matters as they were, with the well-grounded conviction that they were best as they were. When we considered the vast possible advantage to the nation of the contemplated change, and the insignificance of the sum which would suffice to throw a flood of light upon it, there could scarcely be two opinions as to the wisdom of obtaining such a solution of the problem.

DISCUSSION.

Mr. S. Teulon: No railway can be too often inspected by persons competent to form an opinion as to the mode in which railways ought to be conducted. That

is a principle which must be admitted. With regard to the particular accident alluded to by Mr. Hill, it is singular that the person who, in my opinion, was most in fault on that occasion, the driver of the engine, has never been mentioned. The line on which the accident happened is a straight one; the day was as fine as any one could wish; and, however much in fault the inspector and the foremen were in not seeing the regulations carried out, and however much in fault the man who ought to have carried them out was in not placing the signal at the required distance, the man most in fault was the driver of the engine, who ought to have seen the flag exhibited in ample time to have prevented the accident. Now comes in one of the great causes of the failure of all human regulations, and one which I do not know how it is possible to stop by any legislation—namely, human imperfection. It has been asked whether a code of regulations should not be laid down by government. Any regulations that should carry with them penalties to the parties disregarding them should be sanctioned by parliament. It is quite true that the by-laws of railway companies receive the indirect sanction of parliament. There is a power lodged in the Board of Trade to approve of regulations proposed by railways; and the approval of the Board of Trade makes regulations become in effect law, and passengers may be punished for the violation of these by-laws. But, I think, the question is a very proper one for consideration whether regulations could not be laid down by parliament, a breach of which should entail certain consequences on the parties disregarding them. The cause of the Blackheath accident was human imperfection. The signal man forgot himself for a moment, and gave a wrong signal; and I do not know any regulation you could possibly lay down that could prevent that; and yet that man was sent before a tribunal of the country and acquitted.

Mr. George Hurst: We know very well that railway accidents continually occur, and there must be a certain amount of grievance connected with them. Now if there is to be any inspection of railways, and rules and laws made for their management, there ought also to be a court of appeal to which persons aggrieved in any way might apply for redress. Such a court, or board, would be also a great protection to the railways themselves, as we know that they are continually engaged in expensive lawsuits, and that exorbitant demands are often made upon them for compensation for injuries caused by accidents. Now if there were a board which could consider such questions, it would be extremely valuable; but mere inspection, without some power of this kind, would be of little use. I fancy that if such a board were established it would not only save an amount of legal expenses, but at the same time settle disputes between railways and the public in a more amicable and satisfactory manner than they have frequently been.

Mr. Edgar: The proposal made by Mr. Hurst is entirely out of the question. If a man meets with an accident he is entitled to the compensation which the law awards him, and you cannot prevent him going to a court of justice to obtain that compensation; there is no possibility of such a measure as that proposed by Mr. Hurst being passed. What Mr. Hill wishes is simply that a board should be invested with the power of inspecting and reporting without having any authority save from its moral effect on public opinion and the railways themselves. He considers that very great good would arise from such a board being established; but that is the whole length which Mr. Hill goes in this matter.

The President: I think there is a great deal in the suggestion of Mr. Hill, apart from the question of governmental supervision or unity of management. It is too often the case that people conducting commercial concerns are so absorbed in their own work, that they pay comparatively little attention to what is done elsewhere. In mines, for example, I believe that considerable service has been rendered by the mining inspector who sees the modes of working in different districts, and is thus able to make suggestions which are of great benefit, as they are attended to by the parties interested, who know that the inspector can have no personal end to serve by his recommendations. Now in railway matters one of the things which strike one most in looking over the evidence is the fact that differences exist in the mode of working different railways, for which there appears to exist no good reason whatever. For instance, one line of railway has a different code of signals from another. The result is that any railway official going from the one line of railway to the other has a new set of signals to learn,

and that is attended with considerable danger. Now there may be a good deal of proximity to unity of management by such an arrangement as that suggested by Mr. Hill. If such able officers as Captain Galton and Captain Taylor were authorised to inspect lines of railways, and to make reports to a special board, that would of itself, without any other measure, greatly benefit the railway interest; and its expense would be a mere trifle compared with the good that might be obtained in the promulgation and the independent authentication of successful expedients on particular lines, not only in England but in different parts of the world where railway communication has been carried on. All the great lines of railway would receive much benefit from learning the experiments and expedients that have been successfully carried out on other lines.

Mr. W. Hawes, Chairman of the Council of the Society of Arts: My friend in the chair well knows that I entirely differ from him in the views which I take upon this subject; I do not differ from Mr. Plimsoll so much as I expected I should do, because the reform which he proposes in the railway system is a limited and moderate reform. Mr. Plimsoll does not take the bull so much by the horns as some others, and insist that government should have the whole of the property in railways transferred to them. All that he wants is that government should interfere to a certain extent for the purpose of reducing the fares and rates. Mr. Plimsoll's proposal would involve a loss of £6,000,000 per annum.

Mr. Plimsoll: I did not estimate the loss at £6,000,000 per annum. My estimate was that it would be £4,500,000 for the first three years.

Mr. Hawes: I understood Mr. Plimsoll to say that the loss would be £6,000,000 if the interference was with first, second, and third class passengers, and £4,500,000 if it should be limited to second and third class passengers.

Mr. Plimsoll: That was for the whole period of three years to which I was referring.

Mr. Hawes: Well, then, for three years it is estimated that we would have a loss of £1,500,000 per annum. But I venture to submit that the calculation of Mr. Plimsoll is perfectly chimerical, not based upon facts within our knowledge, and capable of absolute disproof; I cannot touch this subject without looking upon it not only as a purely railway question, but as a national question. Now looking upon it merely from the point of view, whether a man is to pay himself the full cost of his transit from London to Edinburgh, or whether the state is to pay part of the cost, and all those who do not travel are to contribute to the payment of the costs of those who do travel, I believe it is as unsound and impolitic, from that view, as it is possible for a proposition to be. But there is another important effect on the public generally, involved in the proposed change. Are we to give up that principle which has been so conducive to the success and prosperity of the country—the individual management of all the internal affairs of the country connected with its commerce and trade? Are we to allow government to interfere more than they do now—and now they interfere a great deal too much in many matters—but are we to allow them to interfere still more? By having to provide £1,500,000 per annum, not only for the purpose of providing a revenue for railways, but also guaranteeing a certain amount of interest on the capital, are they gradually to get in the thin end of the wedge, which, when once in, will ultimately enable them to obtain that entire control over those great masses of property which would inevitably follow such a change as that now proposed if it were once carried into effect? Now what would be the effect of government interference? Mr. Galt in his book, and my friend in the chair, have advocated that government should take the possession and management of all the railway lines in the country, and they have advocated the principle that the whole management should devolve upon a board of twenty-four directors chosen from the existing railway boards, without stopping to prove whether any four-and-twenty men could undertake so extensive a management as the whole system of railways in this country, and that the board should be presided over by a minister connected with railways, just as we have the postmaster-general to preside over the post-office. Now what is the public operation of the office of postmaster-general? Is it not notorious that all the appointments in the post-office, or nearly all of them, are political offices? Does not every member of parliament, the moment he is elected, apply to A., B., and C., for appointments in the custom-

house, post-office, or other government offices? Then we have been told by those who have written upon this subject that government would appoint all their supernumeraries—that they would appoint the military pensioners to take charge of railway business and railway management. But these duties task the activity and energy of the most active class of men. We know that in all cases when accidents occur, the most common remark is that the work is too heavy for the men assigned to it, and yet it is gravely proposed to place military pensioners—superannuated soldiers—in places of trust upon which the whole safety of the passenger traffic must depend. That is one mode in which economy is to be introduced; and another mode is that government is to raise money on the security of government at 3½ per cent. Well, I contend that the more you test the working of the government interference method you will find proofs of its utter inefficiency as compared with individual management. Take even the case which is pointed at of the management of the post-office, and you will find it to afford a striking proof of the inefficiency of government management. What is the history of the post-office? In the early commencement of the postal service private individuals undertook contracts to convey letters because the government refused to give proper service. Then came the early coach system, when the government were again beaten by individual energy and enterprise. And when the great railway system began to be established, did the government adopt railways as a means of conveying the letters? Did they at once show their anxiety that letters should be conveyed at the cheapest possible rate? Who forced upon them the adoption of Rowland Hill's system? Did the government readily adopt it, and of their own accord?—did they recommend it or encourage it? They opposed it as much as they could; they opposed it till the whole country was in arms about it. And then, when Mr. Rowland Hill's system was adopted, did they employ Mr. Rowland Hill as the best man to carry it into operation? On the contrary, they threw him aside for many years, till parliament declared that he should be employed, and then he was placed, not in the management of the great post-office system, but in the post of secretary, with a lord presiding over him in order to control and limit his action. An attempt to put our railway system under a minister of railways would be an absurdity, and would go the utmost possible length to destroy that efficient action of the system which at present exists throughout the country. I do not say that railway management is at present perfect, or that passengers are now carried at the cheapest possible rate, but I will show you that passengers are carried at moderately cheap rates. The prices now charged for the transit of passengers and goods are the result of competition, and of improvements introduced step by step, and which never would—which could not—have been arrived at if government had been the original holder of these lines. Would the government have run the risk of the enormous expense which individuals have incurred to increase the speed of trains from twelve miles an hour to forty miles an hour? Would they have fought the battle of the gauges, and laid the basis of a railway system so satisfactorily as it has been laid without government interference and control? Then we are told that foreign railways are instances of good management. I deny it altogether. On foreign lines your speed is much less, and on most foreign lines your gradients are much better; while on almost all foreign lines, though the charge for passengers is low, there is a heavy charge added for luggage. You will find that on those lines on which the passenger fare is lowest, they add materially to the charge for luggage. On the Swiss lines, where the rate for passengers per head is very low, the charge for luggage is very high; and, if you pay for a passenger some 40 or 50 francs, you will be called upon to pay 10 or 12 francs additional for luggage. Instead of 100 pounds of luggage being carried free for each passenger, every pound weight of luggage is paid for. It is, therefore, no fair comparison to compare foreign lines with those in this country. Take, for example, the cost of constructing the lines. Can you compare the cost of the lines in foreign countries with the cost of lines passing through the heart of England? Can you even compare the cost of a railway round Paris, where the government gives the ground, with the cost of our metropolitan lines? And yet is there any line in the world with cheaper rates than those charged on our metropolitan lines, which will

take a workman from Paddington to the City and back daily for a few pence per week? Do our friends contemplate anything below that? There you have the most expensively constructed lines carrying their passengers at the lowest rates. Why? Because they run against the most dense population in the world. Every step they take gives a passenger who travels without any luggage. But is that the case with the great lines traversing the country? It is of no use comparing the fares of a line from London to Edinburgh with the fares from Paddington to the City. In the one case you have to travel hundreds of miles where not a passenger is to be got, and the whole expense of rolling stock, guards, and other servants is greater than in metropolitan lines running through densely populated districts, for short distances crowded with passengers. Even in the great lines, which take passengers long distances through thinly populated districts, you have a comparatively low rate of fares; but it is of no use comparing rates at long distances with the rates at which excursion trains run, or with the rates at which passengers are carried from Paddington to London. Even now, however, we are carried at cheap rates on the Great Western and other long lines, while on short lines the rates are even lower. On the South Eastern Railway they carry second-class passengers, on the average, 100 miles for 1*s.* 8*d.*; the London and Brighton carry them the same distance for 2*s.* 3*d.*; the London and North Western and the Great Western, charge 4*s.* 2*d.*: but the last two railways run through an extensive district where the population is small, while the South Eastern and the London and Brighton Railways, run through the most populous districts in the world; and the one carries cheaper than the other, simply because it gets a larger number of persons who require no extra attention, and carry no luggage. Our friends here wish to assimilate the whole, and they calculate that because a certain company is able to pay a good dividend at certain rates, the whole of the passenger traffic could be carried at 2*s.* 3*d.* per mile. I do not like these close calculations. I have found, as a man of business, that although frequently a commodity can be produced at a very low rate, charging so much for expenses, management, and interest, still, when you had your whole machinery to build, and your manufactory to erect, the results were very different. I have the exact facts before me of one line which were recently published, and I think I will show you that the statements which have been made are not very accurate. The London and Brighton railway is a remarkable line, with the best traffic district, and extending over 50 miles from one end to the other. What has been the result of their traffic? The London and Brighton has been worked 16 years, since 1848; and the mileage has increased from 52 to 241 miles, or 465 per cent.; the miles run over have increased from 904,000, to 3,400,000; the number of passengers has increased from 2,000,000 to 13,000,000; and the receipts have nearly doubled, having risen from 1 to 1·9. The dividend—the result of this vast increase of accommodation to the public—has risen from £3 12*s.* to £5 10*s.*; so that, with 4½ times the mileage, three times the expenditure, and 6½ times the number of passengers, the dividend has only increased £1 18*s.* per cent., in 16 years. Now we are told that the rate of charge on this line, which is 1*s.* a head on all passengers, ought to be reduced two-thirds—you are to bring that rate down from 1*s.* to about 4*d.* a head on all passengers passing over the line. Now, will anybody say that the London and Brighton line, now carrying 13,000,000 passengers, could run at anything else than enormous loss if you make this reduction? You must treble the number of passengers to make the same amount. My friend thinks that is possible; but I very much doubt the fact. The London and Brighton traffic is made up from two sources. There is a regular steady traffic to the sea-side from London, and there is the excursion traffic. Supposing you reduce that 4*d.* a head, what would be the result? We will assume that you increase the number of passengers three times; but do you suppose you will not increase the cost? If you examine the subject you will find that in every railway account one of the elements is, that if the traffic has increased so much, the expenses have also increased so much. I will defy any gentleman who has calculated this subject to deny that a proportionate increase of expenses regularly follows an increase of the traffic. My friend says, "You only carry 50 passengers, and you ought to carry 500." But does he mean to say that the engine

that carries 50 passengers carries nothing else? It carries the luggage of 50 passengers, and each passenger is allowed 100 pounds of luggage free. Then it also carries an engine-tender, and a van between the engine and the passenger carriages, and a guard's van behind the passenger carriages. Does he believe it possible to increase the number of passengers greatly without very materially increasing the expenditure? Now let us see what is the result. If you obtain a large increase of passengers, you will increase to a considerable extent the expenditure; and this has been left out of the calculation almost entirely. I say that the whole of this calculation of very low fares is altogether based upon fallacy. It is based upon unsound data, and upon an imperfect knowledge of railway management and railway results; and it only requires to be well discussed at meetings of this kind to oblige us to come to this conclusion. Let us do our best to improve railway management and force it into the best possible channel, but do not let us attempt to take that management out of the hands of the board of directors in which it is now lodged and place it in the hands of the Government. This is a very broad and a very difficult question to deal with, and it has been well and cleverly put before us in the book of Mr. Galt, and has been well handled by my friend the chairman. We have three propositions put before us on this subject. The first one is as to cheapness. We are told that Government can work the railways a great deal cheaper than individuals, and we are also told that Government can construct the lines at one-third of the cost that individual companies pay for their construction. Now it is something quite marvellous that any man can put such statements in print. In what does the construction of a railway consist? It consists of the cost of land, of plant and machinery, and of rolling stock. Do you suppose that Government would buy the land for a railway cheaper than a board of directors could do? I am rather inclined to think they would pay a great deal more for it. I believe if you go to Paris and look at the compensations paid by the French government for their new streets, you will find that the prices paid by Government would never have been tolerated by a jury sitting here; therefore I do not think it possible that Government would buy the land for railways cheaper than it is bought by the present system. I am now driving a railway right through the heart of London, and the first claimant we have asks forty years' purchase for his ground rents. If it were a government board which was dealing with him, I have no doubt he would get his demand in full, but we ask a jury to decide, and I have no doubt we shall get the ground for twenty-three or twenty-five years' purchase. It is an absurdity, I think, to suppose that Government could buy land cheaper than private companies. Well, that is one great item of the cost of construction of a railway, and coming to the next item, that of plant and machinery, does our friend imagine that Messrs. Stephenson of Newcastle will sell their engines cheaper to Government than to individual companies? Why the Messrs. Stephenson only the other day sold ten engines to the Belgian Government. What did they get for them? The Great Eastern bought these engines in the first instance at a very low price, and the Stephensons bought them from the Great Eastern Company at a large additional price, and sold them again to the Belgian Government at a very large addition to that price. So much for the prices paid by Government for plant and machinery. Let us look at the expenditure in our dockyards, and at our military expenditure generally in Government establishments; or let us look at our experience in the Crimea, where the Government, when they got into a difficulty, had to apply to a private contractor to get them out of it, and we shall see whether Government is likely to provide plant and machinery more cheaply than individual companies. To suppose that Government would provide these things more cheaply than companies implies a great ignorance of all the laws by which such things are regulated, and is contrary to all our past experience of the action of Government. The same argument applies to the cost of rolling stock, and I believe that as regards every one of these three items of cost of construction of railways, the result of Government action and interference would be that there would be a great increase of expenditure instead of a great diminution, and that the public would have to pay a much larger sum for them than is paid at present—a larger sum than the difference between the guaranteed rate of interest

and the rate of interest now paid by railway companies. That difference in the rate of interest amounts to one per cent. per annum, whereas here you would have some 30 or 40 per cent. additional expenditure, which would more than balance anything saved in the rate of interest. So much for the cost of construction. Well, if the cost of construction will not be diminished, do you think the cost of management would be less under the proposed system? Do you think that a minister of railways and a government board will work the railways more cheaply than the boards of direction which at present manage those great railways which now exist in the country? It is possible that even the system of amalgamation may be extended too far, and I think that in some quarters it has been carried far enough. I believe that the London and North Western line is even beyond the power of their twenty directors properly to manage, and their present efficient chairman is retiring from office, being unable to grapple with the immense amount of business which devolves upon him. It is also worthy of notice that, in another great line, the directors have it under consideration whether they should not give to one man—one of the most able men connected with railways—a salary double the salary of the Prime Minister, to secure his services in the management of one line. That is a fact patent to the railway world; and I believe that gentleman refuses to take this large salary to undertake the duty of management, in order to recover the line from the effects of the faults and blunders of another. So difficult is the management of railways, even with these boards of directors, that the salaries they are obliged to pay to secure good management are enormously large. Therefore you would, under the proposed Government system of management, come to this, that the House of Commons would not for a moment tolerate such salaries, and you would have inferior servants in difficult situations, which would lead to increased losses, slower rates of communication, most probably an increase of accidents, and altogether a much worse managed system of railways than now exists. As to the references which are made to foreign lines, is it really a fact that foreign lines are better managed than the railways in this country? It is certainly a notorious fact that foreign governments are gradually relaxing their hold upon the railways. I have shown that were railways really under the management of a government board, the cost of construction, and of plant and machinery would never be less, but probably more; the management would also cost more; and I cannot conceive how, under such circumstances, railways could convey passengers at one-third of the present rates, and yet give a large profit. The post-office has been used as an illustration, and it is said that, because letters formerly charged eightpence are now carried for a penny at a profit, so railways will be found to be remunerative at lower rates of charge. But there was no period in the history of the post-office in which the low rates did not cover every expense, while these gentlemen say that, if you only touch first and second-class passengers, there will be a loss which will require to be made up by the Government of four and a half millions in three years. I believe the loss will be more than that. There was no period in which the post-office did not pay its own expenses. The very statement made by Mr. Rowland Hill was, that the low rate would pay all expenses, which it did; but not because Government had the management of the post-office, not because it was under the control of a Government board, but because the circumstances are peculiar. A letter once put into the box has no attention paid to it, except being carried. It does not require stations and refreshment rooms; the letter goes into the box, and it has only to be carried without interference, so that you have only to increase the number of letters enormously, in order to enable you to reduce greatly the rates, as the expenditure on carriage is not materially increased. The argument drawn from the post-office, therefore, is almost as fallacious as all the other arguments in support of the Government management of railways. Then I must protest against the principle which would justify charging the public for conveying railway passengers. We have no right to impose upon the poor of this country any portion of a tax, however small, to carry his richer neighbour, who is travelling for his amusement or business, at a lower rate than prime cost. Whether it is for one, or two, or more years, you have no right to do such a thing. If you say you are entitled to do this because railways are a vast interest, why may not Government

interfere with other gigantic undertakings? Why may not Government interfere with the Manchester trade, for instance, and take it out of the hands of the merchants? If you once begin this Government interference, where will it end? You have no right to impose a tax upon a poor man who seldom travels, for the benefit of the richer man who is always travelling. Whatever benefit you might do by such an interference as that now proposed, you would do it at a sacrifice of principle which would lead to results I deplore. I think that, looking at the whole question, whether you regard it as a national or a railway question, the objections to the proposed change far outweigh the anticipated or contemplated benefits, and would certainly not justify the attempt to make the change. I would therefore hope that this discussion will so far inform the public mind upon the subject, that the railway system will be encouraged to improve itself; that competition will drive our railway directors to greater and greater exertions; and that through the present system of management by individual companies, we shall be able to travel as cheaply and as well, or even better, than any Government board could possibly afford to take us.

Mr. George Potter, London: I object to the government interfering with the present management of railways. The government would not give greater facilities or benefits to the public than could be given by the railway companies themselves. The government cannot construct ships so well as many of their own contractors, and as to the post-office, I believe that greater facilities would be given to the public if it was thrown open to public competition. Railway companies will be forced by public opinion to give greater facilities and benefits to the public. The policy which is adopted by very many of them is a narrow policy, which must ultimately succumb to public opinion. I believe that if the company were to attach a third-class to every train from London to Birmingham and from London to Manchester, they would find that the profit would be greater than it is now, under the exclusive system which they adopt. I am borne out in this remark by the results of excursion trains. You will find that at very low rates great profits are made by the excursion trains. I believe that a third-class carriage attached to each train would be more profitable to the company than the present system, and if first and second-class passengers were booked through from London to Manchester and Birmingham and back at one fare per day, at express speed, that would enhance the profits greatly. One great fact militates against the railway system, and that is the long hours of labour which the servants of the companies are obliged to work. I believe that the great compensation cases would be almost entirely done away with if they were to adopt a more economical and systematic mode of management in regard to the servants. You find men working sixteen or eighteen hours a day, and they become exhausted and not fit to discharge the important duties devolving upon them. If the government leave the management of railways alone, and if the public take up the question vigorously, they will be able to force upon the managers of the present railway system a more liberal and a more judicious system of working their lines. If third-class passengers were taken by every train, the railway companies would very much increase their profits, as the greater number of people who would be induced to travel would yield a revenue far exceeding the little extra expenditure that would be incurred. If a train is capable of carrying about 1,000 passengers, and only carries 50 on the average, if, by low rates, the average was increased from 50 to 500, it would be far more advantageous to the company, besides giving greater facilities to the public. Another thing which would tend to increase the number of railway travellers would be the giving of better accommodation in third-class carriages. The present accommodation given to third-class passengers is a disgrace to the railway system. And it would tend to improve the position of railway companies if they would hold out greater inducements to both second and third-class passengers to travel by promoting their comfort as much as possible, speaking from a working man's point of view. The competition which is now being forced upon railway companies will ultimately prove an advantage to the public, and shareholders will benefit by the companies giving greater facilities to the public than they do at present.

Dr. Pankhurst, Manchester: Mr. Hawes in his remarks has chiefly attacked the position of those who desire that the railway system of this country should

be constituted a government department. Now I conceive that the object proposed in the paper last read has been to devise such means as shall secure that the public, in respect of railway traffic, shall have the maximum of benefit for the minimum of charge. And in order to establish that position it is alleged that if you reduce the charge both for passengers and for luggage and goods you will have a corresponding increase in the number of passengers and the amount of goods conveyed. Now the argument from analogy proper to that position is not the one attacked by Mr. Hawes, namely the operation of the post-office, but the wide body of facts which we have in our present system of taxation; for there we have uniformly found that as you reduce the amount of taxation you increase the amount of the consumption of the particular article in respect to which you relieve the pressure of tax tion, and you also increase the taste of the people for that particular article. If you give facilities to passengers to travel by cheapening the amount of the charge, you increase the number of passengers on the one hand, and you increase the opportunity and the appetite for travelling on the other. We have some evidence with respect to railway traffic itself. Take the system of excursion trains. To almost every place that is worth going to, either on account of its scenery, or its importance in a commercial or manufacturing point of view, you have, during the summer season, almost the whole of the traffic conducted through the medium of excursion trains. The railway companies find that it is to their interest to reduce the amount of charge in order that they may increase the number of their passengers. But take other cases. Wherever there has been a substantial competition between two railways, they have been able, by low fares, to get together a vastly increased body of passengers, and there has arisen a large profit to the company. But the difficulty of the position is this, if you substantially and at once reduce the charge for passengers, or for the conveyance of goods, there will be a period of transition, when some amount of risk must be run. Now the suggestion is, that during that period of transition there should be a government guarantee, and I think that it would be greatly to the interest of the particular railway companies to run that risk on their own account. I must say I doubt whether the view of a government guarantee would meet with general public acceptance. I believe, however, that more attention should be paid to that particular point. In the meanwhile we ought to urge upon the public the propriety of pressing on railway companies the expediency of running that amount of risk in their own particular case. There are other subordinate matters which have been referred to; there is the want of something like decent refreshment-rooms. I am sure, if some joint representation were made on that head to railway companies, we should have a great deal of improvement. With reference to the paper of Mr. Hill, I think he has submitted a point of great importance. Some public inspection should be established, not with any view of imposing penalties or bringing down the powers of the law, but in order that, by some authoritative system of inquiry, the public might know what amount of abuse existed in the management of railways, and much more that those who travel, and are annoyed, inconvenienced, or injured, might have some means of presenting their case before the public. At present a man may be annoyed to the extent of desperation, and yet be practically without remedy; for we know how difficult it is to attack a railway with any success. Of course a man with public spirit might do so; but I am sure that most men will rather endure the annoyance and injury than take a railway company into a court of law.

Lord Brougham: Four thousand pounds of damages have been got from a railway company.

Dr. Pankhurst: And probably they richly merited the punishment. If there was a simple form of authoritative inspection instituted, both the public and the railway system would be greatly benefited.

Mr. Seymour Teulon: I hope the meeting will not go away with the idea that there is no inspection of lines at present. Whenever any accident occurs a government inspector is sent to inquire into all the circumstances, and examines every person who can give the least information on the occurrence. He makes a report on the accident, and the department of the Board of Trade always sends down the report to the railway, with any recommendations which the inspector thinks right to make. With respect to Mr. Plimsoll's paper, I have listened with

great interest to it, but it is a question whether, in order to try a large experiment, the Government should be induced to give a guarantee for the protection of shareholders. I must at once dissent from such a proposal. Railways are in their very nature speculations which are entered into by the proprietors with the hope of getting a certain amount of reward. It may turn out extremely profitable or otherwise, and I should protest against the Government giving a guarantee in any case for the protection of those engaged in a private speculation. That would be the worst thing that could occur in this country. With regard to the management of railways, and the propriety of making the fares lower, I think that may be left safely to the boards of directors of these railways. The object of all trading companies is to make profit, and if you could once show to the managers of these railways that there is a profit to be made by lowering the fares and carrying an increased number of passengers, depend upon it that they would do it. If they would not do it let the shareholders, who are the parties interested in having larger profits, remove the directors and replace them by others; but the parties who are really interested in the matter must be left to judge for themselves. Mr. Potter has said that all the railways about London take third-class passengers. That is a mistake, as one or two of them run only first and second-class passengers with some of their trains. There is a larger number of the low-priced trains upon the southern railways, for this reason, that there are points where it pays the railway to run those trains, but there are other trains with continental passengers which do not take third-class passengers because it would not pay to do so, as the high rate of speed at which they are run involves a larger amount of outlay. You cannot create traffic in every district; you may give facilities which will in time create traffic, but you cannot, at long distances, get passengers to carry in such numbers as to enable the railway company to run trains at very low fares. Then, with regard to the expenses attending railways, Government interference there would, I think, be fatal to railways. If Government is to interfere and take the management of railways, it must be accompanied with this condition, that, like the employées of the post-office, all employed on the railways under Government would become disfranchised, and a great many able men would thus be deprived of the electoral franchise. That would be a very serious evil. There are some alterations which might be made in the law which would have a very beneficial effect upon railways. No tax was laid upon the old coach roads, but the railways are all taxed for poor-rates. I know the case of a railway that pays a third of the poor-rates in a parish through which it passes, although it never lays down or takes up passengers in that parish. If the management of railways were placed under a Government department, the appointment of the subordinates would throw a large amount of patronage into the hands of the Government, and that would be attended with very bad consequences. I remember proposing an alteration in the excise department, which was referred to the heads of that department. Every man reported against it, but a Bill was subsequently brought in to make the alteration, and 1,400 men were dispensed with to the advantage of the department.

Rev. Henry Sandford: I think there ought to be some more effectual means adopted for securing the safety of passengers on our railways. I feel the importance of this, as I narrowly escaped being killed the other day. I had just returned from travelling in Germany, where one travels with great security and comfort, and in a calm and easy way, compared with the way you travel in most of our lines in England. With regard to putting the railways under the management of Government, it is a great principle in this country to leave the management of affairs to independent companies. If we could have some simple regulations laid down by Parliament we might in that way have greater security for the safety of passengers. I cannot help thinking that there are a great many things in the continental system which are worthy of our adoption. Reference has been made to a kind of inspection, of which we have too much—that is, inspection after the injury is done. We have the same thing in regard to mines. What is really wanted is some system of inspection, which will have the effect of preventing accidents, prevention being better than cure.

The President: I have a few observations to make, and I think it is well to make them at this time, to bring the discussion to the larger general principles

that are involved. I am very glad to hear so able a man of business as Mr. Hawes, who is himself a railway director, giving his views on this question. We have had the statement of Mr. Galt, and we have had nothing like an authoritative reply on the part of the railway interest. It is very important that this subject should be impartially discussed. It is right that railway directors should be heard in defence of their management; but it is also right that they should come forward as the representatives of railway directors, and not as impartial representatives of the public interest. It has been assumed by my friend that to interfere with railway management is to interfere with legitimate private speculation. Now, on my own behalf, and on behalf of those who are representing the public interest, I assume that the business of conveyance and the functions of internal communication are not legitimate subjects for trading profits. We have argued that cases constantly occur where a road pays to a nation when it does not pay to a district, and that it pays to a district when it would not pay to a sub-district; and that there is no point on which it is more improvident to levy any charge in the shape of profit, or anything more than a simple charge for the cheapest possible responsible service. If it were possible to convey letters without any profit at all, it would be better to do so. But the penny is a convenient coin; it would not be convenient to charge three-farthings, and the extra farthing is not inconvenient to the public, nor to the revenue. But in reference to railway communication, and all internal and external communication, we maintain that there is nothing so improvident, nothing so extravagant as any charge upon communication beyond the mere payment of costs.

Lord Brougham: You say that the mere expense should be defrayed, that it should be no source of revenues.

The President: Precisely; we contend that communication is the very nervous system of commerce, and that nothing should be charged for it beyond the actual cost. Then another assumption on the part of my friend Mr. Hawes has been, that we wish that the railways should be managed directly by a Government officer, whose duty it would be to superintend the lowest details. Now, neither in the construction nor in the management of railways, have we contended that it should be done at all in that mode. What we proposed was, that the main line should be mapped out, and let out to contract for execution, and also that it should be let out to a contract for management. Then we introduced the principle of free competition, and in the earlier part of the history of railways, the French Government took that course; and by all economists in France the deviation from it, and the giving up of lines to companies, has been a matter of opprobrium to the present Government in France. Then my friend urges against Government management all the abuses in Government management which we reformers, and himself amongst us, say ought to be abolished. He assumes that the appointments would all be corruptly given in the usual way of Government political patronage. My answer to that is, that it is not at all a necessity of Government management. There is a large assumption on the part of gentlemen on his side, that whilst all other arts are making progress, the art of administration is not liable to any improvement at all, and that we can make no amendment in Government. With respect to the matter of patronage, we have made this amendment in dockyards, namely, that the appointments, even of the mechanics, are made subjects of competitive examination. This was done in a blundering way in the first place, as the examinations were very often on irrelevant subjects; but it is now acknowledged in the dockyards, that the new system has abolished extensively political patronage, and greatly improved the quality of the service. But I must say that, with all the abuses in Government departments, there is none so great as have taken place under the system of railway management which is defended. I do not believe that any Government, of any party, could have done what has been done under the present system of railway management. I admit all that has been said with respect to the past management of the post-office. I admit that there is a good deal to be reformed in that department, in respect to the subordinate appointments; but taking it as it is, I say that the management of the post-office stands in large and broad contrast to the management which my friend lauds. There is a great deal of

interested testimony, or at least declamation, against Government management of works. Now, I think that the Government management of works might be largely improved; but it is a very great assumption, unwarranted by the facts, and disproved upon examination, that inferior as the Government management is on some points, it has operated disadvantageously to the community; for, in regard to the arsenal manufactories of Enfield, apart from the expenditure on buildings, it was established beyond doubt that the Government manufacture was greatly in advance of the private manufacture. Those are all large assumptions on the part of Mr. Hawes, that I think are to be set aside in discussing this question. The author of the paper objects to unity of management, because he thinks it would be extremely difficult; but if he goes into it, I think there is a great deal that he will find very easy; and there is a great deal of consolidation of railway management which has not produced the fruit of consolidation because it has been really illusory consolidation. Now, on the London and North Western, I am assured that the aggregations of management have only been adding one management to another. There has not been the profit to the shareholders that might result from unity of management, for each amalgamation has only been amalgamating one independent management, and keeping up the former staffs, and keeping up a system that admits of prodigious economy. One of the directors of the London and North Western Company, admitted that if they had a real consolidation within that department they could save the shareholders so much as to add 1 per cent. to the dividend. As for the details of the management, it is very well for the directors, like my friend Mr. Hawes, to praise themselves in this matter; but I have had a great deal of communication with railway officials, with station-masters, and with persons in official positions of high grades, and I believe that, if I were to go into it myself, I should get evidence from them in favour of the change, and more particularly in favour of a change of masters. Then, with respect to the cost of construction and other matters, my friend says that nothing can be cheaper than the existing cost.

Mr. Hawes: I beg pardon. I only said that Government would not do it cheaper.

The President: Well, does Mr. Hawes mean to say that Government would have run three parallel lines in one direction? Does he mean to say that Government, if it had let out a line, would have charged it with nearly half a million of law expenses, as was the case in the Brighton line? All that has been said on the other side on this question amounts to this, that what is done abroad cannot be done in England—that other governments are more perfect than ours. I must say that abroad they have constructed lines cheaper, and worked them cheaper than in this country. In America opinion is following that which is the tendency of opinion here, in favour of the necessity of bringing the public means of communication within public responsibility. I believe in the State of New York, and in other states, the policy is in agitation of putting the highways entirely under public responsibility. That is what we contend for—that the railways shall be made more responsible, but not at all, as was assumed, that the responsibility shall be like that of existing departments. We think it is possible, as an administrative problem, to get the advantages of unity of management in economy and efficiency, and we believe that it is possible to get a responsible agency for it—call it what you will, a special commission, or any other office that is within the scope of a public administration—that might attain these ends better than they are now attained by the present disjointed and unsatisfactory mode. With regard to the question of railway inspection, one railway director has mentioned here that the officers of the Board of Trade do make inspections and reports. Well, what is the result of their inspection as to accidents? Four out of five of them—the great mass of the accidents—are reported to be in consequence of gross administrative defects; gross defects in respect of appointments to offices, and gross defects in respect to the time which the servants work. There is nothing more scandalous than expecting to get sustained attention from servants during sixteen hours a day, and nothing more scandalous than the parsimony which does not give efficiency. Yet that is universal almost throughout the country, and is reported on distinctly by these impartial inquirers, whose reports show the shortsightedness, the parsimony, and the

inefficiency of the administration of these trading boards—an administration so inefficient as to make it quite impossible that any government could do so badly. Gentlemen talk about it as the success of a private enterprise. Why, what enterprise has been so gigantic in its failure? No more than 3 per cent. has been got from it by the present management, with a double traffic to what they anticipated. Contrast that with what has been done on the Continent—5 and 6 per cent., and one half less fares than ours. I think the cause will be greatly served if my friend and other directors will put their contentions in a shape to be examined impartially.

Mr. HAWES: May I say, as a matter of information to the meeting, that although at this moment I am a railway director I have never had a share in a railway till within the last few weeks; therefore, my argument is not that of a railway director.

Mr. J. H. RAPER: The answer to the question now under discussion would be in the affirmative if it was quite clear that it was of advantage to the public. If it could be shown to be beneficial to the whole country, then we are prepared for consolidation.

Mr. FREELAND: The papers and discussion have raised some of the most interesting and important questions that can possibly be submitted to an Association like the present. The two papers which have been read raise in their main features four great questions as regards the whole subject of railways. Mr. Plimsoll's paper goes into two large and very interesting questions, the first being that of amalgamation—whether that principle has been carried far enough, or whether it is desirable to extend it still further, and to amalgamate all the railways of the kingdom, under government control, to be managed by a central board, like the Poor Law Board, or any other department of the government. The questions raised by the other paper were also two, the very important question of the regulation of railways, and how that might be improved, with the further important question of government inspection. As regards the first of these four questions, that of railway amalgamation, the amalgamation of our great railways has now been carried as far as it can be carried at present with a view to efficiency of executive management and economy. As to economy, the Government is not at all likely to manage these matters in a cheaper way than, or indeed so cheaply, as the companies themselves. I do not think that our ship-building experience shows us that Government is likely to give greater advantages to the public on that score. But even if it could be shown that, as regards efficiency of executive management, cheapness, and safety, the Government might furnish us some small degree of additional advantage, even those slight additional advantages might be too dearly purchased at the cost of the great constitutional principle of self-government and self-management. If you are going on upon this principle of amalgamation under central and government control, at what point are you going to stop? Railways are not the only means of conveyance in which it is desirable to secure cheapness of traffic and safety to the passengers. Are you going to amalgamate under Government control, all the steamboat companies that carry people to all parts of the world? Are you going to take the whole conveyance by sea out of the hands of private companies, and make it a large Government enterprise? This question ought to be taken up by the public, and I hope that public opinion will pronounce upon it very speedily and very decisively, and that its answer will be decidedly in the negative as to the purchase and control of these railways by the Government. Then comes the question of the guarantee. Mr. Plimsoll very ably raised the question whether it is desirable, in order to secure a greater amount of accommodation at a diminished charge, to enable the Government to give a guarantee to companies during the experimental period. On that point I only wish to say that I think it is a somewhat new and a very dangerous principle, and if it were ever applied, I should hope it would only be applied on a very limited scale, and for a very limited period. I have not sufficiently considered the matter to be able to make up my mind upon it at present; but will you apply the principle of a guarantee to the steam-boat companies? and if so, I want to know what are the limits of the ground which you are going to cover by Government action? As to the other points, that the Board of Trade should have

power to give greater uniformity to their regulations, and that Parliament should at once consider what means should be provided for sufficiently punishing the breach of those regulations—whether an accident did or did not occur from the breach of the regulations. The Board of Trade should be empowered, not only to make recommendations, but also to act in the way of controlling and reducing to a state of uniformity the regulations of different companies. There should be some sort of inspection which would ensure reports on the state of the lines, the state of gradients—and other matters on different lines, in order that inspection might be beneficial in the way of really preventing accidents. If the elements of danger were carefully inspected by competent men, I think a great deal might be done to prevent the occurrence of calamitous accidents on our lines of railway. I do not object to the negative power of the Government—I object to its positive power, and to making it the administrative power of the great railway system, and of the steam-boat mode of conveyance besides. I think all the great benefits expected from vesting railways in the hands of the Government, and placing them under Government control, might equally be obtained by a system of efficient inspection, and by vesting certain additional powers, as regards regulations, and the enforcing of the observance of those regulations, in the hands of the Board of Trade.

Professor FAWCETT, M.P.: I think this is a question in which what is commonly called *doctrinaire* reasoning ought to be avoided. When I say *doctrinaire* reasoning, I mean starting with a general principle, and trying to apply it through thick and thin. I think there is a medium course in regard to the arguments laid down by the representatives of the sets of opinions on this question, which is the practical one which ought to be adopted. The reasoning resting upon the proposition that between the railways and steam-boat companies there is no difference whatever, is based upon a fallacy. If the public are dissatisfied with the way in which they are carried on the Thames from London to Blackwall, there is nothing whatever to prevent fifty companies being immediately started to accommodate the public. You there give unlimited power and unlimited liberty to private enterprise. But a railway is a monopoly. It is recognised as a monopoly. If the public in Manchester, or the public in London, are dissatisfied with the means of communication between these two places, no body of gentlemen, even if they could find the capital, could go at once and say, "We will make another railway." They would have to face a terrible Parliamentary opposition, and in all probability they would fail, because the power of the railway directors, I am sorry to say, in the House of Commons is getting omnipotent. That is the most dangerous power, and one which ought to be most narrowly watched. I think there are 160 railway directors in the House of Commons. We know very well that any new company which proposed to give the public better means of communication would probably fail, and that that failure would involve a most serious outlay; therefore you cannot get people to make the attempt. Then, again, you could not make the attempt without interfering seriously with the rights of private property. Already railways have been made to a great extent in the country, and they have destroyed houses, and destroyed the beauties of nature in many cases. Therefore, if one railway did not do its duty, you could not get another railway to occupy its place without involving unnecessary expense, without investing a vast amount of capital, and without unnecessarily interfering with the rights of private property. I say, therefore, that a railway company must be looked upon as possessing a monopoly which has been conferred upon them by the State, whilst a steam-boat company possesses no monopoly whatever conferred upon it by the State, and on that account there is no analogy between the two cases. Having arrived at this position, that a railway company has a monopoly conferred upon it by the State, I say that the State, representing the great body of the people, is absolutely bound to associate with that monopoly those conditions which they think will conduce to the general public good. I particularly wish to avoid expressing an opinion as to whether the Government ought to take the whole of the railways under their management or not, because I have not evidence on the point now before me. The subject is now being investigated by a railway commission; it is one of the most complicated and difficult questions on which a man can give an opinion, and there-

fore I wish to avoid expressing an opinion upon it in the slightest degree at present. But the position I wish to lay down is this, that the Government has a clear and indisputable right to enforce conditions upon a railway which it would not have a right to enforce upon a steam-boat company, or any other company which does not possess a monopoly. Let us look at our present defects connected with the railway system. First, there is one which has not now been alluded to, and I believe it is a great cause of accident, namely, the habitual and constant unpunctuality which exists on many lines. What are causes of accidents? I think there are one or two causes to which they can be clearly traced. First of all, if you have habitual unpunctuality existing on railways, you must, as a necessary consequence, have railway accidents, because the whole scheme is thrown into derangement. Secondly, there is the cause, to which allusion has already been made, of the shameful parsimony which causes railway companies to keep their servants employed longer than it is possible for them to attend to their work, and do their duty effectually and well. Then these excursion trains must be referred to as one cause of accidents. The question which the Government is bound to consider very attentively is what the metropolitan railways have done in London during the last three years. No doubt they have destroyed an enormous number of dwelling-houses; and the result of that destruction has been that the poor have been huddled together more and more, and overcrowding and all its attendant evils has been the result. Would it not confer the greatest possible advantage upon the country if the railway companies were compelled to run cheap working men's trains? And, if it could be proved that they could run these cheap trains without doing any great harm to themselves, then, I think, it is an interference which would be perfectly justifiable, and it is a regulation which ought to be enforced upon these companies. Therefore, I think that in these questions there is a middle course which ought to be adopted. I think there are certain things which the public has a right to insist that railway companies should do. If those things can be done, leaving the companies to be conducted by private enterprise, then it is much better that they should be done in that way. But if, on the other hand, it is impossible to secure these advantages as long as the companies are managed by private enterprise, then the very serious question arises—and it is one on which I particularly avoid expressing an opinion at present—whether the government ought not to take the management of the railways entirely into their own hands?

Mr. Pollard Urquhart, M.P.: I have been unable to hear the whole of this discussion, and the very cause of my inability to be present confirms me in the opinions I entertained that railway management ought to be under some sort of control. I have just come from the North of Scotland, a considerable way north of Aberdeen, as fast as steam could take me; and I ought to have been in Manchester at five, in time to leave at six, and reach Sheffield at eight. The train, however, did not arrive in Manchester till seven, and I was unable to leave Manchester till five minutes past nine. But to come to the subject. If there was any great obstacle to cheap intercourse between the different parts of the United Kingdom, would not the country consider it worth their while to get rid of that national obstacle, even at a great loss? A great national obstacle does exist in the shape of the enormous fares which we are obliged to pay to compensate for the great expense incurred in making railways, for the heavy parliamentary expenses, and for the great mismanagement of the companies. It is a very great obstacle to cheap and rapid intercourse by travelling, that people must pay exactly three times what ought to have been the fares of railways if they had been projected on cheap principles. In Aberdeenshire, we have thought it worth our while to buy up the tolls and take the expense of maintaining the roads, which is to be paid by owners and occupiers of land and house property in the country. In the long run, the buying up of the railways by the government would not involve the country in any expense. The traffic would be so largely increased by the cheap rates, that so much money would be saved by all railways being under one central management, and by the low rate of interest at which government might raise money, and other facilities which government might have over private companies, that, in the long run, the country would not be put to any expense by this measure.

The country would be richer if they incurred the expense necessary for buying up the great interests involved in railway monopolies, so as to allow the inhabitants in different places the advantages of cheap intercourse.

Mr. Thomas Webster, Q.C.: The question before the section amounts to this —Is it right to interfere with a practical monopoly? There can be no doubt that this is a case which does require some strong interference, and it is a case in which a middle course ought to be adopted. I should view with apprehension the placing of the railway system under government control, as the railway system ought to improve day by day, and the railway companies and officials are the persons best qualified to carry out the improvements required upon the system. The progress of the railway system would be materially imperilled if it were all placed under government control; but that there is an absolute necessity for an amount of interference with railways in some respects nobody can doubt. Some railway companies have working men's trains, which carry working men to and from their work at a very moderate rate. More attention ought to be paid to providing facilities for taking working men to their homes by rail at cheap rates, as well as to providing buildings for their accommodation. As to the existing abuses or defects of the railway system, want of punctuality has been referred to as the most common source of mischief and complaint. Now it is utterly hopeless to expect that the railway companies will enforce punctuality, as all the officials are interested in smoothing over any deficiencies in that respect. The directors have not a sufficient interest in the matter to do more than manage the general details, and it is a great system, without adequate inspection and management. What is the great cause of that want of punctuality? It is these excursion trains. Excursion trains may be termed the great blot of our railway system. If the companies can afford to carry masses of people at rates so low, and derive a profit from the trains, then the public are much too highly charged in other respects. Then it must be kept in view how much these great accidents and the want of punctuality is due to these excursion trains. On some lines, where great pains are taken, the system is adopted of not allowing one train to pass a station till the other is clear—a system which, owing to the electric telegraph, is the most perfect that ingenuity could devise. But when you have one of these large excursion trains between London and Brighton, or any other two towns, in the multitude of trains on the line, the excursion trains must get between two fast trains. Why, then, should the ordinary trains not be increased in size at certain hours to suit these people? Why should not return tickets be extended in time? Why should not people be induced to travel in great numbers by the ordinary trains, by means of cheap rates for return tickets, and the system of excursion tickets be abolished altogether? Excursion trains are the real source of the mischief; they are a great pest to the places where they go to. They are a pest to the locality. Why should railway companies be allowed to inflict such a pest on these places?

Mr. Plimsoll: But the passengers enjoy themselves—you forget that.

Mr. Webster: But the passengers would enjoy themselves on any other day, and in fewer numbers. If excursion trains are profitable to the railway companies the public are wronged; but I have great doubts of their being profitable. There is no doubt that carrying masses of people, inasmuch as they move themselves, is more profitable than carrying goods and coals at a low rate which do not move themselves. But if that be so, then our whole system in that respect wants revising. How is it possible to get these defects of unpunctuality remedied, and these daily and hourly neglects of regulations prevented? The companies are bound to look to the regulations being carried out; but the directors have not the time to overlook these matters. The railway directors do their duty with an energy which is most surprising, seeing the enormous amount of time they give to it; but you cannot have regulations of that sort enforced unless you have a power of inspection by the Government—unless you make it worth people's while to enforce these regulations. It is the interest of railway companies to have their lines in good condition. The costs of an accident are so frightful that they would be grossly culpable not only to the public but to every individual shareholder if they did not use every means to have their lines in the best possible condition. It is one of those cases in which you may safely leave

the efficiency of the thing to railway companies. There is one other matter which has not been referred to in which inspection would be valuable, and that is the arrangement of railway companies where competing systems touch upon each other, where the public are put to the most positive inconvenience because it suits a railway company to start its trains in one direction just five minutes before another train coming to that point has arrived. I think this is a matter in which there ought to be power lodged in the Board of Trade to receive the complaints of passengers. These are matters which it would be well for Government to deal with without entering on the question of whether the whole system should be consolidated. It will be the interest of railway companies—and they are coming gradually to it—that there should be a consolidation of the railway system. But that is a matter for the consideration of the shareholders of these companies; and just in proportion as these railway companies go together in that way, does Government inspection become more important, with a view to seeing that the interests of the public are not overlooked.

Mr. Edgar: There is a power given to the Court of Common Pleas to regulate these matters referred to by Mr. Webster. That is an admission of the principle of regulation by another authority than the railway companies. But look how this has operated. The Act, giving the power to the Court, has been in existence for fourteen or fifteen years. They have also power to regulate with regard to the charges for the carrying of goods. There has been a considerable number of applications for regulating the charges as to goods; but with regard to the time of starting the trains, I do not believe there has been more than one single application, and in that case the Court refused to interfere. It is admitted that there is an evil; but a single man who is aggrieved cannot be expected to be at the expense of making an application to the Court of Common Pleas.

Mr. Freeland: Railways are not necessarily a monopoly. They are perhaps practically so; but you may go to parliament for competing lines, and parliament may grant them; and the only reason why they are a monopoly practically is on account of the large power of these companies in parliament; but the constituencies can remedy that to-morrow, and, therefore, they are not necessarily a monopoly. As to there being no analogy between railways and steam-boat companies, I, for one, do not think that government has any right to impose upon railway companies conditions which they do not impose on steam-boat companies.

Mr. W. C. Leng, Sheffield: In this discussion considerable stress has been laid upon the danger of swamping the independence of Parliament by the consolidation of the railways under Government. I apprehend that is hardly possible, for the independence of the House of Commons appears to be largely swamped already. The experience of the last session of Parliament on the Great Eastern line, and on the question of a local line, has shown that on railway questions Parliament represents the railways and not the people. On the question of the local line, ninety-nine out of every hundred of the people of Sheffield wanted a particular line, and they could not get it, simply because there were opposing interests in Parliament. When Sheffield got to Parliament, she found that, as opposed to the railway interest, she was nowhere. The opposing interests had it all their own way. It was the very same with the Great Eastern line. The people of London wanted it, South Yorkshire wanted it, and the counties through which the line would have passed, all wanted it; and yet it could not be got. That line was needed to complete a broken and imperfect system—it was needed to make a railway *cul de sac* into a through route—and it was needed to develop a vast agricultural district—yet the monopolists stopped the way. It would have cheapened the price of coal 2*s.* 6*d.* a ton to the people in the east of London; it would have served the whole of the populous agricultural districts through which it would have passed; it would have brought in their produce, and would have taken back in return our minerals; it would have taken off a monopoly tax on coal to the extent of 2*s.* 6*d.* a ton from probably about a million and a half of people; and yet, though three millions of people were, in one way or another, directly interested in that line, when the matter came before the House of Commons it was not even treated with civility. It was almost yelled down in one of those disgraceful scenes

which, with all respect for the Members of Parliament now present, I will say sometimes take place in the House of Commons.

Mr. PLIMSOLL, in reply, said—I do not advocate the purchase of the railways by the government in my paper; but I recommend some tentative course in the meantime, with the view of trying a great experiment as to the results of the greatest possible cheapness of fares. One gentleman connected with railways objected very strongly to any interference with them as unjustifiable on the part of the government. His position seems to me very much like that of a man who wore another man's coat so long that he objected to having it taken back to its rightful owner, since most people are of opinion that internal communication ought never to have been in the hands of private companies. We have simply drifted into the present position of matters on account of the rapid development of railways. Objection was made to taxing poor people for the benefit of those who travel. All that I advocated was some small government subsidy to a railway company that would be willing to try this experiment for three years, limiting it both as to its amount and as to the time during which it should be given. But the objection founded on the fact that the poor do not travel so much as the rich is just as narrow and foolish as it would be for a man who did not keep a carriage objecting to pay for the maintenance of the roads. We cannot dispose of a great question of this kind on petty principles such as that to which I have just referred. The same gentleman who made this objection also spoke of many failures which had been made by government. I am not interested to defend the government, because I do not advocate any interference by government with the railways. I have said already that railways are better managed as they are, although I think that any further combination of them would probably lead to confusion. I cannot help remarking, however, that the style of the remarks made by Mr. Hawes had a very suspicious resemblance to the style of the diatribes against government in 1844, when the discussions were taking place on the subject of parliamentary trains. Before that time one railway would run a cheap train only to one point, and then passengers could not get on unless they took first or second class tickets; that was naturally the cause of many complaints, as the public could not then get the advantage of third class carriages for a long journey without being subjected to excessive delay in completing the journey. Railway companies were interested in maintaining that state of matters, but parliament interfered and provided a remedy in the interests of the public. Then there is a great deal said in the discussions upon this subject against government monopoly and in favour of free competition. Surely there is some confusion of thought in all this. It is really an inversion of the accurate position of the matter. Government monopoly! Why, the government never can have any interest except that of the community, and we act upon the government in the interest of the community. Then, again, to talk of free competition as to railways is really a misapplication of terms. There is, in fact, no competition. I hold in my hand an agreement which binds eight of the largest companies in the kingdom, and it applies to a list of important towns where the traffic is carved out among the different companies, and if any company gets a larger proportion of traffic than another, the excess has to be handed over to another company, minus so much per cent. for working expenses. The directors of these companies have a right to defend the interests which they are elected to protect; but the public have an equal right to try to get some additional advantage from the railway system. In the ordinary sense of the term, it is not a competition which company will supply the public with travelling accommodation, but a competition as to which company will charge the public as much as they like. I was very glad that Professor Fawcett destroyed that fallacy which was introduced into the argument by Mr. Freeland about steamboat companies, because there is no parallel in the cases whatever. What would be said if power was attempted to be given to the company of shareholders to bring the cotton of Charleston or New Orleans to Liverpool? Yet we practically give a similar power as between Manchester and Liverpool, because one railway had it at one time, and when a second route was proposed it was argued that the company had a right to the traffic. There are now three routes; but as far as the public is concerned the route is one. The monopoly is just as great as if one company

served the public. I do not make these remarks in a hostile spirit to the railway companies. I believe that the spirit of the directors of railway companies is admirable; and if this discussion is conducted with good temper and moderation, and if some of our railway directors would put their views on the subject in writing, I have no doubt that great good will arise from the examination of this question.

The PRESIDENT: I must protest against the assumption that I am in favour of government management, meaning by government management the existing management, or anything like the existing management—that is to say, by the government directly appointing either officers or anybody else. I am wholly in favour of contract management. In my view, what we ought to get is an impartial tribunal, independent and trustworthy, that would settle conditions of contract, and apportion the railways out to contractors, upon a fair view of the public advantage, but letting out the railways to be worked, just as the Cunard line and other great undertakings are worked, by the parties who undertake to contract for the service. I mean such management as that of the post-office was before the railways—namely, the system by which the transport of letters was effected by contract throughout the country—the contract with Mr. Palmer for the conveyance of mails throughout the country; and I must say that was a great example of punctuality, such as has never been displayed by any other than an agency like that. I contemplate a state of things in which, if there be any railway management or any other management—if there be a railway Rowland Hill, or any other body who will come forward with a plan of improved mangement, there shall be an agency on behalf of the public who may decide upon it for the public advantage.

Mr. FREELAND: Then, as to the Cunard contract, you admit the analogy between railway companies and steamboat companies?

The PRESIDENT: In my view all means of internal communication are subject to the same conditions as railways. It is quite clear that in public policy, it is sometimes worth while, on the part of the community, to pay a subsidy to get the communication quickened between another part of the world and this country. If the communication between other important places and this country cannot be quickened by private means, let it be done by subsidy, and then let it out by contract, as is done with the Oriental and other great companies.

Professor FAWCETT: I simply understand that Mr. Chadwick meant centralisation.

The PRESIDENT: What I want is unity of management, with economy and efficiency.

THE LICENSING SYSTEM.

In addition to the paper contributed by the Manchester Sunday Closing Association, printed at p. 506,

The Rev. DAWSON BURNS read a paper on "The Licensing System and the Permissive Bill." He argued that while the prevalent preference for a licensing system over one of free trade in alcoholic drinks did not imply contentment with the present system, it did imply an approval of the principle of that system, viz., that the licences were required, not for fiscal purposes, but for the suppression of abuses. When the system was first introduced, the justices were selected as the fittest persons to provide for the prevention of abuses in each district, by deciding, 1st, whether any sale of drinks was needed; and, 2nd, who were to be entrusted with the privilege of sale. Now, if three centuries ago the justices were the fittest persons to be charged with this duty, with regard to the former, at any rate, of the two questions, the inhabitants were now

the best judges. The magistrates never did discuss that question, though it was emphatically the question they had to investigate. The Permissive Bill argument was that the power of bestowing all licences should be lodged, not in the magistrates alone, but in all the rate-payers, they were best qualified to determine whether any licences were required by the public wants, and whether, if granted, they would be likely to originate public nuisances.

The Rev. THOMAS HUTTON, M.D., contributed a paper "On the Licensing System and its needed Reforms." After describing the evils which both the beersellers and the licensed victuallers fostered, he proceeded to argue that the present magisterial control was a "monstrous farce." In General Cartwright's last "Constabulary Report" he found that in the 36 borough towns in his district, only two licences were withdrawn in 1864, although proceedings were taken against 389 houses for disorderly conduct, and against 5,340 disorderly drunkards. Very often the licensing justices were themselves public-house proprietors, and for their own pockets' sake shielded their tenants from prosecution. His suggestions for reform were as follows:—1. That an entire stop should be put to the increase of public-houses and beershops, save in the most exceptional circumstances, and with the consent of the rate-payers. 2. That all houses should be closed at 11 P. M., except to *bonâ fide* travellers. 3. That a majority of two-thirds of the ratepayers in each parish, town, or district, should be empowered to close public-houses entirely on Sunday. 4. That the owner of the house, as well as the tenant, should be liable to a fine for offences against the tenour of the licence. 5. That two-thirds of the rate-payers should be empowered to close the houses within their district. Should the objection be raised that this would be a law for the rich, not for the poor, seeing that the rich man could enjoy his bottle of wine, though the poor man's tankard of ale would be prohibited, the answer was, that the working classes would themselves be in each case the law-makers.

Dr. MARTIN, of Warrington, read a paper "On the Amendment of the Licensing System." The amendments he proposed were, stated summarily, as follows:—1. That increased restrictions should be placed on the liquor traffic (*a*) by placing beerhouses under magisterial control; (*b*) by increasing the licence fee paid by the present holders; (*c*) by increasing the licence fee, and also the rating of the house to any new applicant. 2. That a certain amount of control should be granted to the rate-payers by entrusting them with power (*a*) to veto any additional licences; (*b*) to fix the hours during which the houses shall be open; (*c*) to close the houses entirely on Sunday; (*d*) to prevent the opening of singing or dancing saloons, &c.

THE MORAL EFFECTS OF THE POOR LAWS.

Dr. DREW contributed a paper on this subject. In agricultural districts, the labourer, as he pointed out, earned little more than he

would receive from the rates if he could establish a claim. "Surely," he once said to the wife of a sick labourer in Sussex, "your husband should have joined a benefit club when he was in good health, that he might have had some means of support now." "No," she replied, "I don't approve of sick clubs. My husband did join one, but I persuaded him to leave it. Why should a poor man pay 1*s.* 6*d.* a week just to screen the parish? We get as much allowed now from the parish as we should have had from the club, and the same person is both club doctor and parish doctor, and will attend as well one way as the other. If he comes from the parish, he can order wine or meat from the parish, if he thinks it is wanted; but if he comes from the club, we must buy it ourselves, or go without. We know very well why the gentry and farmers try to get up sick clubs, but poor people here know better than to spend their money just to save the rates." On the other hand, the rate-payers do all in their power to prevent any one obtaining a settlement. It occasionally happens in the southern counties that the churchwardens and overseers of a parish will, at the approach of winter, issue a formal address to the ratepayers, requesting them to employ no men during the dull season, but such as have already a settlement. The result is a species of serfdom, the labourers being tied to the district in which alone they are sure of support. In manufacturing and mining districts, where wages are higher, parish relief does act in some degree as a punishment for improvidence. Still even there, many prefer idleness and assistance to wages and work. The chief remedies he proposed were to grant relief in the shape of loans, as the Poor Law Board recommends; or, in the case of the able-bodied, in the shape of low wages for task work; and to make the workhouse a healthy but unpleasant place to all but orphans, the imbecile, and the disabled, mere old age not being deemed entitled to the same consideration.

EXCESSIVE USURY.

Mr. George Hurst, of Bedford, read a paper "On the Evil Effects of the Modern Practice of Usury." Lending money, he remarked, at usurious interest, is now practised to an extent that has become most mischievous in its effects. Cash is commonly advanced at various enormous rates of interest to needy and improvident individuals at 30, 60, 100, and even sometimes considerably beyond cent. per cent. Loans contracted at these rates are chiefly for small sums, and therefore the humble classes of society are especially made the victims of this species of extortion. It may seem strange that people can be found foolish enough to borrow at exorbitant rates of interest, when the application of a little common sense would show them how dearly they must pay for the afforded accommodation. But this will not be so surprising when it is considered that there is a large majority of fools in the world, and among them the usurer finds full employment for his capital, so as to enable him with a very moderate amount of money to realise a very comfortable income. The practice of usury

has prevailed in all ages in civilised communities, but until recently taking excessive interest was always considered a disreputable proceeding. In England, from the time of King Henry VIII. to the reign of Queen Anne, various enactments were passed for restraining, but the law that remained in force, until a recent period, was the Act Anne 12, which restricted the amount of interest to be taken to 5 per cent.; but at various times this received many modifications. The Act of 2 & 3 Vict., c. 37, and a subsequent one, 17 & 18 Vict., c. 90, empowering money to be lent on landed security, at any rate of interest, have given entire freedom to the trade in money. From the passing of these Acts the loan business at excessive interest has been continually on the increase, until the distress and embarrassment it has occasioned has become an evil of fearful magnitude. People who borrow at extravagant rates of interest commonly do so under an illusive notion that they shall be enabled to repay the sum advanced in a short time, so that, although the rate be high, the period for which the money will be required being limited, the amount of interest will be unimportant. Without any reliable circumstance in their favour, they rest upon the vague hope "that something will turn up," or "that some friend will assist them," and with such empty expectations plunge themselves into engagements that become a lasting trouble and inconvenience. He then recounted some instances that had come to his own knowledge, showing the ruin that frequently results from borrowing at heavy rates of interest, and gave an account of the delusions practised and mischief occasioned by loan offices, in which, under an appearance of moderation, the interest actually paid was from 30 to 40 per cent. per annum. He commented also upon the folly and distress occasioned by people allowing themselves to become security at such places. After commenting at some length upon "Bentham's Defence of Usury," he came to the conclusion that limiting interest, under every circumstance, to 5 per cent. was an absurdity, and that the price of money, like that of any commodity, should be left to the regulation of supply and demand; and that, beyond the fair market value of the use of money, something like an extra 5 or 6 per cent. might be allowed by law to accommodate peculiar circumstances; but beyond this, he contended, the propriety of the transaction was subject to grave suspicion, and not unfrequently was a postponement of insolvency. With pawnbrokers there is a legal limit to the rate of interest that can be received, the law allowing them only 20 per cent. per annum. Why should the pawnbroker be so restricted, while the usurer is allowed to extort any rate of interest for which he may stipulate? Either one is placed unfairly under legal restrictions, or the other is permitted an undue advantage. The trade of money at a fair or ordinary rate of interest, may be conducted at a moderate risk; but when extreme rates are taken and demanded, it may be considered as a species of gambling. A certain risk is incurred in order to obtain a considerable profit, but it is like the risk of the professional gambler, whose skill and knowledge render the chances

very much in his own favour. Then why not place the gambler and the usurer in a parallel position? The law gives no protection to the one; why should it protect the exactions of the other? It can scarcely be denied that charging an extreme rate of interest for money is equally wrong with exacting an extravagant price for any commodity. In each case it is truly a bargain between individuals, in which it is a matter of option to transact or otherwise; but also, in each case, it is one man obtaining an undue advantage of another, which it is somewhat difficult to justify. Then taking into account the misery occasioned by unrestricted usury—the advantage it gives keen and unscrupulous persons—the facility it affords to imprudence—the blight it frequently casts upon the prospects of young, thoughtless, and inexperienced individuals—its close approximation to sheer gambling—ought it not to be left without legal protection? And, as in the case of gambling debts, ought not both principal and interest to be left entirely to the honour of the borrower?

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